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CALIFORNIA Journal

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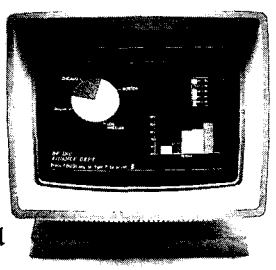

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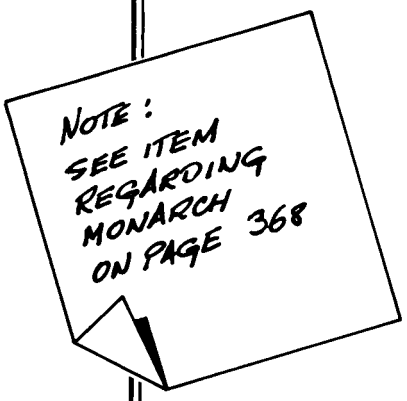

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CALIFORNIA Journal

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Cover photo by Rich Pedroncelli, with apologies to the Quaker Oats Company

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UP FRONT

History lesson of the month. Assemblywoman Marian LaFollette, a Northridge Republican, recently argued against paying a stipend to the widows of Japanese-Americans fired from state jobs in the wake of the Japanese attack on Pearl Harbor in 1941. The stipend, a kind of reparation proposed in a bill by Stockton Democrat Pat Johnston, was voted upon on the very day that the federal government officially apologized to and agreed to pay reparations to thousands of surviving Japanese-Americans interned during World War II.

Johnston's bill passed the Assembly 50-9 but not before LaFollette, who was 15 when Pearl Harbor was bombed, insisted that there be no apology or payments to "anyone involved on the other side of that war. I cannot forgive the many sorrows that their government brought to us."

In a subsequent interview, the *Sacramento Bee* reported, LaFollette said internment was "the most humane treatment that any country has displayed against an enemy during an actual conflict or during an actual war."

The reparations, of course, are not being paid to those on "the other side" but to American citizens whose ancestors emigrated from Japan.

A study in scarlet? Assemblyman Bob Campbell, a Richmond Democrat generally considered one of the Capitol's "good guy" legislators, has admitted that he never earned that Masters' Degree listed in his official biography. Campbell explained that he had taken classes toward a Masters' in the early '60s at San Francisco State but never won his sheepskin. The mistake was originally made back in 1975 when his biography was prepared for a city council race in Richmond, he said. He thought the bio had been corrected years ago and said he was not aware that it hadn't until early this year. Campbell would not elaborate on how the mistake was made in the first place. Not that he hasn't had opportunities to correct the problem. In 1987 *California Journal* sent Campbell's office a copy of his blurb that appears in the *Almanac of Government and Politics*, asking for corrections or additions. It lists him with the degree, but it was returned unchanged.

How came this problem to light? Seems the *San Francisco Examiner* received an anonymous call, tipping off reporters about Campbell's missing degree. And who would do such a thing? We don't know who made the call, but we do know that Democratic state Senator Dan Boatwright has been spreading the word about Campbell among Capitol types. Why would Boatwright pounce on a fellow Democrat? Campbell supported Boatwright's primary opponent — Contra Costa County Supervisor Sunne McPeak.

Good grief! Who's that on the Department of Corrections official seal? It's supposed to be Minerva, the Roman goddess of wisdom and intervention,

but it looks a whole lot more like Snoopy from the *Peanuts* comic strip. Rumor has it that some inmates made the switch as a joke, but Corrections

spokesman Bob Gore insists that it is just an accident that occured because the orginal seal was reproduced over and over again. However, Gore said it is true that at one time inmates added the image of San Quentin to shores of San Francisco Bay depicted in the seal.

Selective reporting. The Sacramento lobbying firm of Jackson/Barish & Associates recently published a handsome, 12-page brochure that touts the firm's accomplishments to prospective clients. The lead paragraph boasts that Jackson/Barish "has consistently been rated by legislators, legislative analysts and fellow advocates as the state's most effective and influential advocacy firm" in polls conducted by none other than the *California Journal*.

Well, sort of. In late 1985 the *Journal* surveyed more than 200 lobbyists, legislators and legislative staff to determine the most effective among the Capitol's 700-plus lobbyists. Jackson/Barish president Clay Jackson received 13 votes as "most effective," second place overall and first among contract lobbyists. Of course, the brochure doesn't mention that our survey also asked respondents to name Sacramento's "most overrated" lobbyists. You guessed it; Jackson got 15 votes, good for third place (see "Who's the best?" *CJ*, February 1986).

Jackson Kent Sierra became the answer to a political trivia question on July 18th: "Name the only baby ever born to an incumbent assemblywoman." The six-pound, ten-ounce boy is the first child of South San Francisco Democrat Jackie Speier and her husband, Dr. Steven Sierra. He wasn't the only baby born to a member of the Assembly during the summer recess, however. Courtney Rebecca Nolan arrived two days later. She's the daughter of Minority Leader Pat Nolan and his wife, Gail. Nolan's trip to the hospital was somewhat eventful. He had been attending a

Correction:

The advertisement for Monarch Constituent Services that ran in the August issue contained two typographical errors made by *California Journal*, not by Monarch. We apologize for the errors. The correct ad appears on page 366.

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fund raiser on a yacht in San Francisco Bay when his wife went into labor, and he was wisked to shore on a Coast Guard cutter, then escorted to Sacramento by the State Police.

Orange County Republicans selected small businessman Curt Pringle to succeed the late Richard Longshore as 72nd District GOP candidate for the Assembly. Longshore, the incumbent, died only one day after winning the June primary. Pringle, party vice chairman in Orange County, is chairman of the Garden Grove Planning Commission. He faces Democrat Christian Thierbach in what could now prove an expensive race come November.

San Mateo County Democrats must also pick a candidate to run against Republican incumbent Rebecca Morgan in the 11th Senate District. Their candidate, Robert Mack Jr., died August 1st.

Dennis Renault, editorial cartoonist of the *Sacramento Bee*, is having a cartoon retrospective September 13th through October 12th at Sacramento City College and at Alahambra Fuel and Transportation, a local watering hole. Renault joined the *Bee* in 1971 after freelancing cartoons for, among others, *Playboy* Magazine.

Apologies to Hastings College of Law in San Francisco. Seems we inadvertently omitted it from a list of law schools run by the University of California (see "David Gardner," *CJ*, August 1988).

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front." so rush your items to Up Front, 1714 Capitol Avenue, Sacramento, CA 95814. Sorry, submissions cannot be returned.*

"The most incomprehensible thing about the world is that it is incomprehensible."
— Albert Einstein

BALLOT FRONT

A roundup of statewide initiative proposals. All statutes require 372,145 valid signatures; constitutional amendments require 595,485. In parentheses is the deadline for sponsors to submit signatures to county clerks, and the issue of California Journal *that contains a full explanation of each measure.*

Continuing in circulation:

SMALL CLAIMS COURT — an initiative statute. (August 4th; April 1988 *CJ*)

INSURANCE REGULATION, MOTOR VEHICLE ACCIDENT CLAIMS REIMBURSEMENT PROGRAM — an initiative statute. (August 8th; May *CJ*)

LEGAL PRACTICE — an initiative constitutional amendment. (August 22nd; May *CJ*)

INSURANCE, ACCIDENT CLAIMS, MOTOR VEHICLES — an initiative constitutional amendment and statute. (September 26th; June 1988 *CJ*)

HOMESTEAD AGAINST NEGLIGENCE LIABILITY — an initiative statute. (September 26th; June 1988 *CJ*)

SCHOOLS AND CHILD CARE CENTERS, LIABILITY EXCLUSION — an initiative statute. (September 26th; June 1988 *CJ*)

DRIVER VEHICLE INSURANCE, TAXES AND FEES — an initiative statute. (September 26th; June 1988 *CJ*)

FINANCIAL RESPONSIBILITY EVIDENCE. REPEAL OF LAW — an initiative statute. (October 13th; July 1988 *CJ*)

Qualified for the November ballot:

Proposition 78: Higher Education Facilities Bond Act.
Proposition 79: School Facilities Bond Act.
Proposition 80: New Prison Construction Bond Act.
Proposition 81: Safe Drinking Water Bond Law.
Proposition 82: Water Conservation Bond Law.
Proposition 83: Clean Water and Water Reclamation Bond Law.
Proposition 84: Housing and Homeless Bond Act.
Proposition 85: Library Construction and Renovation Bond Act.
Proposition 86: County Correctional Facilities Capital Expenditure and Youth Facilities Bond Act.
Proposition 87: Property taxation: redevelopment projects.
Proposition 88: Deposit of public moneys.
Proposition 89: The governor; parole review.
Proposition 90: Property taxation: reappraisal exception.
Proposition 91: Courts of record.
Proposition 92: Commission on Judicial Performance.
Proposition 93: Property taxation; residency conditions for armed forces claimants.
Proposition 94: Judges.
Proposition 95: Housing and nutritional assistance.
Proposition 96: Communicable disease tests.
Proposition 97: Cal-OHSA.
Proposition 98: School funding for instructional improvement and accountability.
Proposition 99: Cigarette and tobacco tax.
Proposition 100: Insurance rates and regulation.
Proposition 101: Motor vehicle accident claims and insurance rates.
Proposition 102: AIDS reporting.
Proposition 103: Insurance rates and regulation.
Proposition 104: Automobile and other insurance (no-fault).
Proposition 105: Disclosures to customers, voters, investors.
Proposition 106: Tort claims.

Failed to qualify:

LONG TERM HEALTH CARE — an initiative constitutional amendment, sponsored by Janet Levy of Sacramento. (March 1988 *CJ*)

EDUCATION TAX CREDIT — an initiative statute, sponsored by Manuel Klausner of Californians for Quality Education (Encinitas). (March 1988 *CJ*)

AUTOMOBILE INSURANCE; GOOD DRIVER PREMIUMS — an initiative statute, sponsored by J. Gary Gwilliam of Oakland. (March 1988 *CJ*)

TAX CREDIT. AIDS RESEARCH FUND — an initiative statute, sponsored by state Controller Gray Davis and California AIDS Advisory Committee member Bruce Decker. (March 1988 *CJ*)

MOTOR VEHICLE ACCIDENT CLAIM REIMBURSEMENT FUND — an initiative statute, sponsored by James Wheaton of the Center for Public Interest Law. (March 1988 *CJ*)

Source: Secretary of State's office

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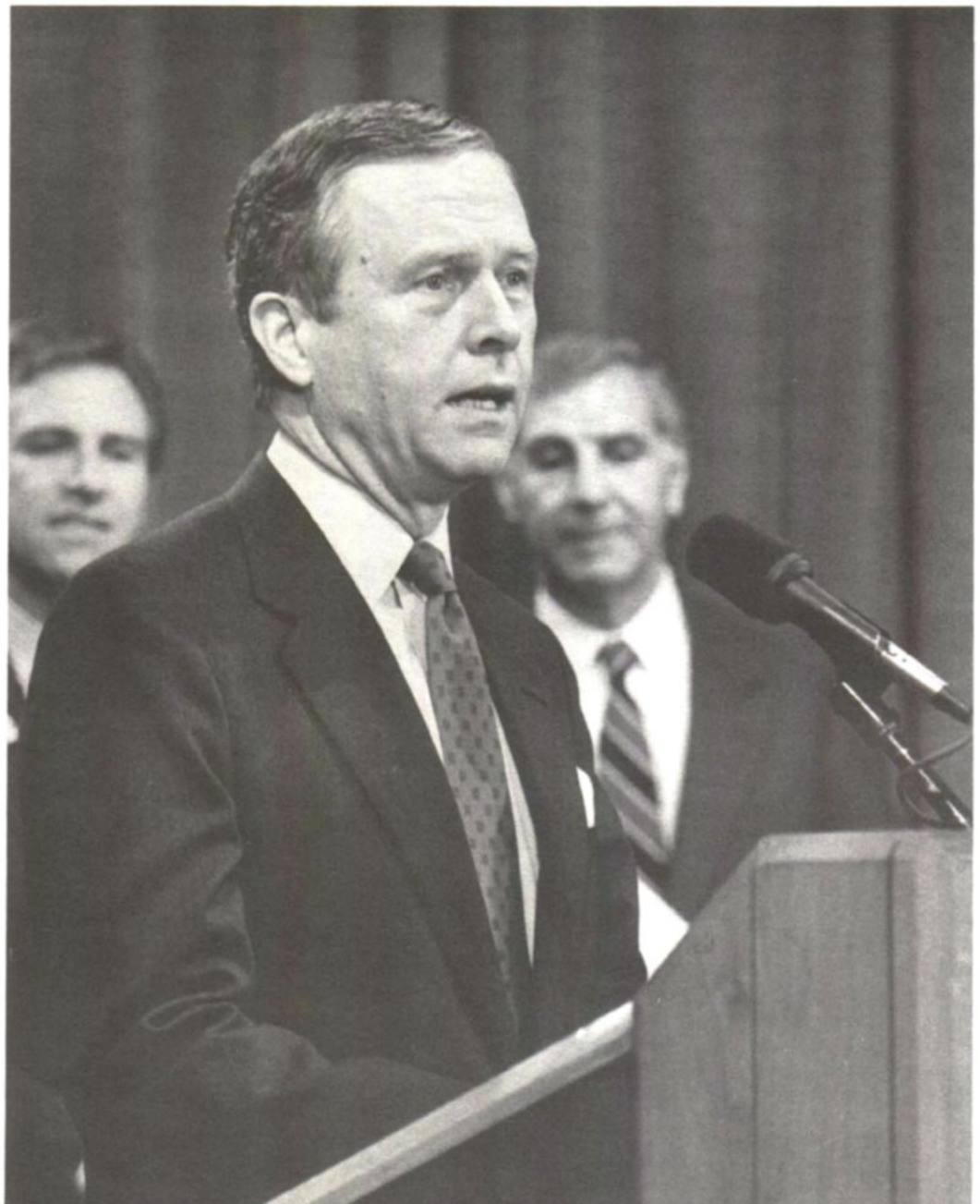

Wilson

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The irony of the situation can't have escaped Leo McCarthy. Here is a man who ascended to the statewide office of lieutenant governor because of the willingness of California voters to split their tickets — while voters were choosing Republican George Deukmejian governor in 1982 and 1986, they were also electing Democrat McCarthy over Republicans Carol Hallett and Mike Curb, respectively. Now he finds that his path to the U. S. Senate depends on voters suddenly seeing the wisdom of voting the straight party line.

Since the beginning of his campaign to unseat first-term Senator Pete Wilson, McCarthy has found himself down in the polls, short of money, scrambling for a catchy issue and generally unable to make any headway against the incumbent senator.

But with the early — if possibly temporary — popularity of Democratic presidential nominee Governor Michael Dukakis of Massachusetts, McCarthy may have found a longshot way to salvage a victory.

"The one hope that McCarthy has is that if there is a Democratic presidential tide, Dukakis might provide some coattails for McCarthy," observed Mervin Field founder of the California Poll. "If (Vice President George) Bush is negatively perceived...maybe that will carry over negatively to Wilson."

"We are fortunate Michael Dukakis is at the top of the ticket," confirms McCarthy campaign consultant Kam Kuwata.

It is unlikely that either McCarthy or Wilson will win the race by force of personality alone. Both men are competent, low-key politicians who at least can claim to be numbered among the moderate members of their party. But neither is an exciting campaigner and neither has yet found an issue to spark the imagination of voters. Both are, in short, nice guys, if not particularly charismatic politicians. Their statewide political success to this point in large measure has been the result of running against unpopular opponents.

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Photos by Rich Pedroncelli

McCarthy

In Wilson's case, the omission of a high profile for the past six years was not only in character but deliberate. Elected in 1982 largely because California voters were tired of his opponent, former Governor Jerry Brown, Wilson and his handlers were acutely aware of the short tenure that has gone with his Senate seat. A flamboyant series of politicians occupied the post, including actor George Murphy, educator S. I. Hayakawa and Kennedy-retainer Pierre Salanger. None of his six immediate predecessors managed to hold onto the office for more than one term, and the former San Diego mayor was determined to break the string.

"We felt the state ought to have someone who was going to be there for a long time," said Wilson campaign manager and long-time aide Otto Bos. "You don't accomplish that by being a flake."

As a result, Wilson kept a low profile during his first six years, carving out a moderate course that kept most of the state's powerful interest groups from finding too much fault with their new senator. He has been strongly supportive of President Ronald Reagan's economic and foreign policies, including support for star wars and the *Contras* in Nicaragua, but has taken a more moderate stance on social and environmental issues. The approach has given opponents little to shoot at, although McCarthy can now advance the argument that his opponent has accomplished little in his first term. The voters may not be entranced with Wilson, but he has given them little to complain about.

Pollster Field agrees that Wilson has been successful "at avoiding the mistakes of so many previous senators: being known for some negative act or event or gaffe. Wilson has not done that. He's created the image of a steady, not flashy, sober-sided senator."

But McCarthy consultant Kuwata believes that approach has also created an opportunity for his candidate. After six years, impressions about Wilson are still vague, Kuwata argues, and points to one of Wilson's own polls, inadvertently

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leaked to the press, which showed only 37 percent of the voters believe Wilson "deserves reelection" while 34 percent say its time to "give someone new a chance." Bos said the survey was incomplete and that Wilson's strength is greater, but the poll still has profided hope for McCarthy.

The Wilson campaign slogan should be "I've never been an embarrassment, so I deserve reelection," Kuwata offered, "People want leaders. That lack of definition could be a killer for Wilson."

But despite Kuwata's protests that the Wilson lead is "soft," Wilson moved quickly to consolidate his advantage. Aided by some early McCarthy missteps, Wilson developed an enormous lead in the polls. At one point last May, the *California Poll* had him ahead of McCarthy by 19 points. The more recent July poll, taken after McCarthy announced the California vote giving Dukakis a majority at the Democratic convention, placed him 14 points behind Wilson. The deficit is all the more startling because in a poll taken at the same time, Dukakis was 16 points ahead of Bush, which represents a partisan shift of some 30 percentage points between the two contests. Nearly 25 percent of the Democrats in the poll said they intended to vote for Wilson.

Wilson was able to get an early jump on his opponent in part because of McCarthy's own success at driving out potential rivals for the Democratic nomination. Although others flirted with entering the contest, Los Angeles television commentator Bill Press was the only big name ultimately to do so, and it wasn't long before he dropped out. Without a major primary opponent, McCarthy became an inviting target for Wilson, who launched a television advertising blitz even before the primary.

In the early television barrage, Wilson took aim at some portions of the electorate where McCarthy hoped to do best. Wilson tried to woo senior citizens, countering charges he had not supported Social Security increases by dredging up a McCarthy vote on a state budget that reduced aid to the aged, blind and disabled. He also undercut challenges to his environmental credentials by endorsing a ban on oil drilling on Pacific Palisades and more recently by receiving credit for changing Bush's position on drilling off the California coast. He also dredged up some old issues to use against McCarthy, including the lieutenant governor's support of defeated Supreme Court Chief Justice Rose Bird.

McCarthy during this period did little to help his own cause. He accused Wilson of being a "country club" liberal when it turned out McCarthy was probably a millionaire himself. Wilson also was able to reinforce McCarthy's liberal credentials after peace activist Helen Caldicott extolled the virtues of Soviet leader Mikhail Gorbachev at a McCarthy fund raiser, comments the candidate later had to disavow.

McCarthy's handlers insist the setbacks aren't permanent and that the poor showing in the polls only reflects Wilson's unanswered television commercials. In the final weeks of the campaign, with a limited amount of television air time available, McCarthy will have enough money to match Wilson commercial for commercial.

McCarthy campaign director Darry Sragow in July sent out a "dear friend" letter to supporters implying the campaign was right on target and that the general election campaign starts "in as good shape as we ever had the right to expect."

Sragow said McCarthy expects to spend $9 million on the election, and that this amount, with a boost from an active California Dukakis campaign, will be enough to win in November despite Wilson's expected budget of $15 million.

The biggest chunk of money for both candidates will be spent on television advertising. And with both sides contending the public's image of their opponent is vague, much of it can be expected to focus on the negative qualities of the opposition.

Bos said Wilson intends to remind voters of McCarthy's liberal record, his lack of experience with foreign policy matters and his previous opposition to the death penalty. In these ads it will be Wilson who is the independent moderate.

Kuwata says his campaign will show voters a Pete Wilson "battling for the big interests, for star wars and big agribusiness. We'll show Leo McCarthy is closer to Main Street America."

Furthermore, Kuwata says Wilson will suffer because he has George Bush at the head of his ticket. "I think that George Bush is a walking disaster. Bush is somebody who doesn't wear well with voters. Pete has a problem, after all, they do kind of look alike. They don't know yet how to run away from him."

While Bos won't concede that Bush is a problem for Wilson, and says his candidate is "proud to run with the nominee," he adds that "at the same time, he'll strike his own course on issues."

Convinced that the tide is shifting away from the Reagan philosophy and that Bush lacks the personal popularity of the president, the McCarthy campaign intends to push the similarities between Bush and Wilson. Aside from a vague physical resemblance, Kuwata notes that both are "preppies from Yale who have been in office but left no footprints."

In contrast, he says Dukakis will be helpful not only because his positions will be more popular with the voters, but because the Dukakis campaign needs California to win the White House. Dukakis plans to spend some $4 million for voter registration and other preparatory activities that will be very helpful for McCarthy's efforts as well. "It might as well be an extra $4 million in our campaign," Kuwata maintains.

These efforts notwithstanding, there are still doubts the voters will cooperate with the effort to build Dukakis coattails.

"McCarthy has simply tossed his entire lot into the Dukakis campaign. It's his lifeboat, without it, he'd be sinking." asserts Bos. "It's the only straw he can clutch for and a remarkable statement about his campaign."

But pollster Field agrees that Dukakis' campaign can be of some help to McCarthy and that Bush's lack of popularity is a problem for Wilson.

"The Dukakis surge is the best thing that happened to McCarthy for some time, and it's also creating more problems for Wilson. How much distance does Wilson have to create between himself and Bush?"

And the chances that Dukakis will be able to maintain this lead is slight. August polls showed the race getting closer and it is likely to be very tight.

In any case, translating good feeling about Dukakis into votes for McCarthy will be difficult, Field maintains. "The big problem is that Wilson is not the easy target. He's a tough target. McCarthy has a tough battle. He's got to gain strength and Wilson has to stumble somewhere. But there are some plausible prospects of that somewhere."

Both the camps maintain that the early blandness of the campaign is only a lull before the real fighting begins after Labor Day.

"We expect a rough campaign, with some of it below the belt," predicts Bos. "We'll be ready for that."

"People think it's a yawner now because we haven't done much," notes Kuwata. "But politics in 1988 are going to be fun. We're getting our gloves dusted off and we're going to be ready."

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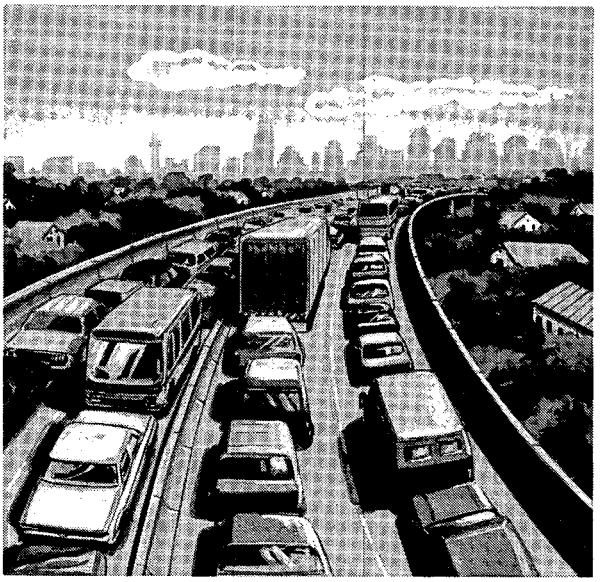

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A FLOOD OF LEGISLATIVE SPENDING

In good times and bad, lawmakers tap the silver lining

By Bob Schmidt

The cost of making laws is skyrocketing in California.

The 1988-89 state budget, signed into law by Governor George Deukmejain on July 8th, provides $192 million for the operations of the Senate and Assembly — nearly $120 million more than they spent only a decade ago.

Legislative spending has increased 164 percent during the past 10 years. Over the same period of time, the cost of living increased 65 percent, California's population increased 18.5 percent and the state budget as a whole increased 103 percent. Also increasing is the demand for more control over how legislative funds are used.

Sixteen counties, 18 cities, and Attorney General John Van de Kamp have formally endorsed efforts by an indignant Northern California citizen, Ralph Morrell of Dixon, to empower the state controller to perform detailed audits of the Legislature's spending on itself. Morrell, a retired Navy warrant officer, has put together a one-man organization he calls "Operation Slush Fund" that has been focusing attention for several years on legislative spending.

The Legislature's budgets include not only the salaries and operating expenses of the members and their staffs and the staffs of the houses and the various committees, but also the salaries and operating expenses of the legislative counsel's office, the legislative analyst's office, the auditor gener-

Bob Schmidt is Capitol bureau chief for the Long Beach Press-Telegram.

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al's office, and annual contributions to legislative and staff pension funds. It also includes substantial amounts of money for the office remodeling that seems constantly to be taking place in the Capitol and the connected Capitol annex, particularly on the Assembly side.

Morrell

During the 1986-87 fiscal year, $2.2 million was spent putting Assembly members in more comfortable surroundings, according to figures supplied by Bob Connelly, chief administrative officer for the Assembly Rules Committee. And judging from the workmen constantly in evidence in recent months, at least that much will be spent again this year.

Connelly and Cliff Berg, executive officer of the Senate Rules Committee, say a combination of factors accounts for the mammoth jump in legislative spending.

"It's staff, primarily," Connelly said. "As the state's population has grown, as the complexity of the state has increased, the responsibilities given the Legislature have increased, and more staff is required to meet those responsibilities."

"There are two reasons the Legislature has been given more responsibility," Berg said. "First, when voters approved Proposition 13 in 1978, they shifted much of the funding for local-government activities to the state. That increased the state's administrative responsibilities, and the Legislature has the duty to oversee the carrying out of those responsibilities.

"And since President Reagan took office, his 'New Federalism' programs have also shifted responsibilities from the federal government to the states, giving us still more to do. Look at some of the subjects we're dealing with now that just didn't exist, as areas of legislative activity, five and 10 years ago," Berg said. "There's AIDS, toxic wastes, and new prisons, just to name a few that come quickly to mind."

To house their growing staffs, the Senate and Assembly have spilled out of the Capitol and its annex into several locations nearby, primarily in a building two blocks north. There is talk of building a new home for the Department of Transportation and of the Legislature taking over Caltrans' huge, six-story structure just south of the Capitol.

The growth may be perfectly justified, says Morrell, "but it's the public's money that's being spent, and the public ought to be able to find out how it's being spent and if it's being spent for a productive purpose."

There is no meaningful review of the appropriateness of legislative expenditures, Morrell says — an assertion that is contested by legislators and other state officials.

"The Sacramento Grand Jury in 1981 said it had been in contact with the controller and had been told that if the Legislature sends over a claim approved by one of the rules committees, 'the controller must issue a payment warrant without

How the bills get paid

Expense claims submitted by state legislators and legislative committees "are kept on display at our audit division for five years," Controller Gray Davis says. "The press and the public can look at them any time."

A member of the press or public also could, if he or she wished, go through a month's supply of newspapers and count how many times the word "and" appeared.

The tedium and eyestrain would be comparable.

California's controller pays state government's bills. Each working day, on average, his office writes 105,000 checks to pay those bills. During the 1986-87 fiscal year, said Karen Caves, the controller's information officer, a total of 27.6 million checks were written.

Most of the checks are for employees' salaries and for income-tax refunds, but many of them — 300,000 a month, 3.6 million a year — are to pay claims turned in by firms with which the state does business and by legislators and other state employees seeking reimbursement for expenses.

The claim resulting in each check for vendors or for reimbursement — including those submitted by legislators, their staffs, and legislative committees — is filed in order by the number of the check in cardboard boxes, and segregated by month. There is no way to find out from the controller's office how many claims, and for how much money, any legislator turned in during, say, November 1987, without going in and plowing through boxes containing copies of the 300,000 or so transactions that took place that month.

Copies of claims turned in by legislators and their staffs are on pink paper, and all other claims are on white paper, so the task is made a little easier.

Still, the pink forms are part of an accumulation of thousands in each box.

After about three months, the legislative claims are segregated from the others and put in separate boxes, again according to the number on the check used to pay the claim. But even then, a month's worth of legislative claims totals in the thousands.

"One of the things I want to do is to bring the Assembly into the computer age with respect to house expenditures," said Bob Connelly, chief administrative officer for the Assembly Rules Committee. "I'm sure we can do a more efficient job of keeping track of how we're spending our money."

There's a lot of money to keep track of. The 1988-89 budget appropriates $98.1 million for Assembly expenses, and $64.9 million for the Senate. Contributions to the legislators' retirement fund and the operation of the offices of the legislative counsel and auditor general add another $29.2 million. That's a total of $192.2 million.

The Senate and Assembly Rules Committees are required by law to issue, once a year, reports on members' spending in various categories.

Checks written to cover the costs of legislator and staff salaries and expenses, office supplies, telephone, travel, automobile costs, printing (including newsletters), and the costs of district offices are included in the compilation.

Even those listings are not very timely. The two houses, on September 11, 1987, published their lists of members' expenses for the time period from December 1, 1985, to November 30, 1986.

— *Bob Schmidt*

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question,'" Morrell says. "In addition, I have several letters from Ken Cory [who preceded current Controller Gray Davis] saying state law exempted the Legislature from any overview by the controller, and suggesting that an effort be made to have the law repealed. It is my belief that legislative spending is not audited, and that legislators who say it is are liars."

Davis and legislative leaders say that legislative spending is already audited, despite a state law specifically exempting Senate and Assembly expenditures from review by the controller.

"Under the Constitution," Davis said, "the state controller has full authority to audit all expenditures from the state treasury, including expenditures of the Legislature and the Judiciary. Claims for legislative expenses filed with my office are audited in the same manner as claims of executive agencies."

"Very simply," said Democratic Assemblyman Tom Bane of Van Nuys, chairman of the Assembly Rules Committee, "the Constitution prevails over state law. Article 16, Section 7, of the Constitution says, 'Money can be drawn from the treasury only through an appropriation made by law and upon a controller's duly drawn warrant,' and the courts have held that the phrase 'duly drawn' means 'audited.'"

An attorney general's opinion, dated July 20th, supports Bane's contention. The opinion, requested by Bane, says, "The state controller has constitutional authority to audit the expenditures from the Assembly Contingent Fund to determine whether issuance of a warrant [check] would be lawful.

"It cannot be seriously argued," the opinion stated, "that the Legislature may direct the state controller to draw a warrant for an improper and excessive claim filed against the Fund."

"Over the years," Davis said, "legislative claims have been rejected [by the controller] that were thought to be inappropriate. Furthermore, all legislative claims are kept on display at our audit division for five years, unlike other claims that are kept there for three months. The press and the public can look at them anytime."

Bane and the Senate's Berg said that every single claim submitted by a legislator or a member of a legislator's or legislative committee's staff is subjected to intensive scrutiny by the house Rules Committee staff before it is forwarded to the controller.

"Not only is each claim reviewed by the Rules Committee and the controller's office," Bane said, "but the press monitors legislative spending, and if anything inappropriate did slip by, you can be sure a legislator's constituents would be told about it and be able to express their sentiments about it at the next election."

"Members' claims [for reimbursements] must conform

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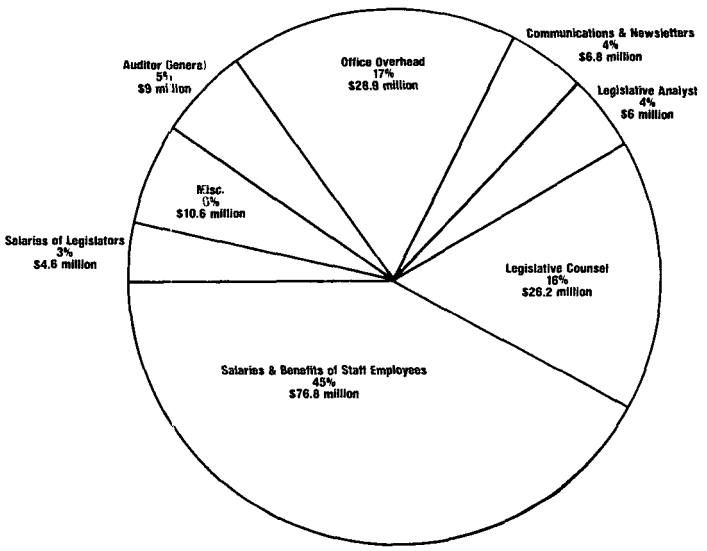
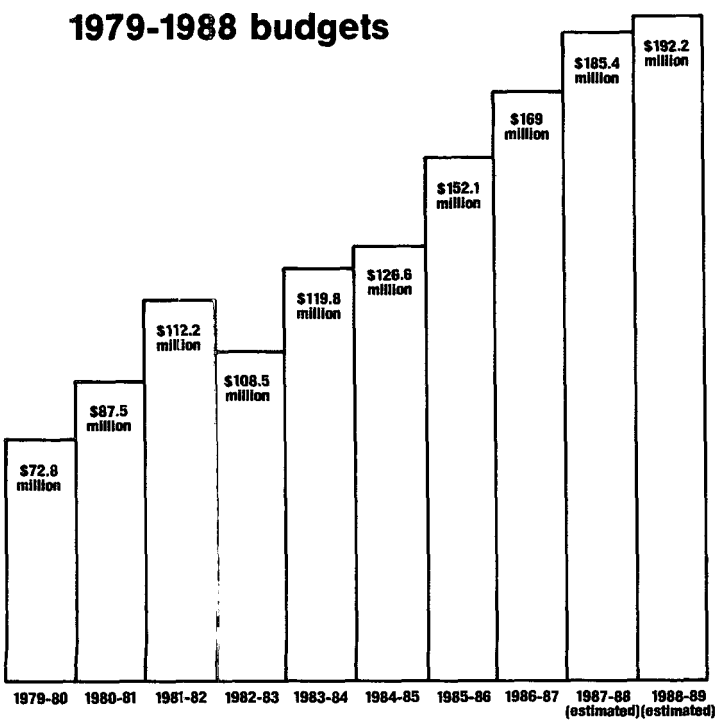
1986-1987 budget



1979-1988 budgets



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to very strict Rules Committee guidelines," Berg said. "We have five people on our accounting staff, and they flag anything that is in any way questionable for me to look at personally. And after that, the controller does look at it, no matter what you hear."

"That's baloney," Morrell said. "The Sacramento County Grand Jury says legislative spending isn't audited, the former controller says spending isn't audited, and Mr. Bane himself has introduced a bill to repeal the exemption that allows legislative spending to escape the same kind of review given to every other kind of government spending. Why would he introduce a bill if it isn't needed?"

Bane says he introduced a bill in 1987 "primarily to check on the allegations that there is inadequate auditing."

Bane's 1987 bill ran afoul of legislative deadlines earlier this year and died. He subsequently introduced a similar measure, AB 4564, that was approved by the Assembly on a 73-0 vote June 1st and is now awaiting a hearing in the Senate. A Senate version, SB 1553 by Senator Quentin Kopp, an independent from San Francisco, has cleared the upper house and is scheduled to be heard by the Assembly Ways and Means Committee.

Morrell says both bills are meaningless because neither gives the controller specific authority to reject legislative claims "in the same manner applicable to other entities in the state budget," and because they "do not provide for a one-time retroactive audit of recent claims, so that the improper ones can be identified and the legislators, the good guys, who have been submitting proper claims don't have suspicion hanging over their heads."

Bane said he is opposed to a requirement that the Legislature obtain advance approval from the controller of expenditures it deems appropriate.

"The separation of powers comes into play here," he said. "We can't have the controller or anyone else tell us we can't buy a computer or some other item we think we need, but I have no problem with having the audit occur after the fact."

While the California Legislature easily spends more money than its counterparts in other states, it is fairly thrifty, compared to other state legislatures, when the expenditures are considered on a per capita basis or as a percentage of the entire state budget. In the 1979-80 fiscal year, the $72.9 million spent by the Senate and Assembly was approximately .34 percent of the total state budget of $21.2 billion. In the current fiscal year's $44.5 billion budget, $192.2 million will be included for the Legislature, about .43 percent or less than one-half of 1 percent.

Those figures put the California Legislature nowhere near the top among the 50 states, according to Brian Weberg of the National Conference on State Legislatures.

"Based on figures we have, the California Legislature's budget, as a percentage of the entire state budget, ranks 27th among the states, and its spending per capita places it 21st," Weberg said.

Despite its standing among other states, California's Legislature was too expensive, voters agreed in 1984, when they approved an initiative requiring legislative spending to be reduced by 30 percent.

The initiative, Proposition 24, was subsequently ruled unconstitutional, but the continued vigor of the lawmakers' spending seems to disregard the voters' clearly stated feelings about it. Had the measure been allowed to become law, the Legislature's 1984-85 budget would have been limited to $83.9 million, a 30 percent reduction from the $119.8 million spent in 1983-84. Increases in subsequent years would have been limited to the percentage increase in overall General Fund spending, and that would work out to a 1988-89 budget for the Senate and Assembly of $105.5 million instead of the $192.2 million approved by the governor.

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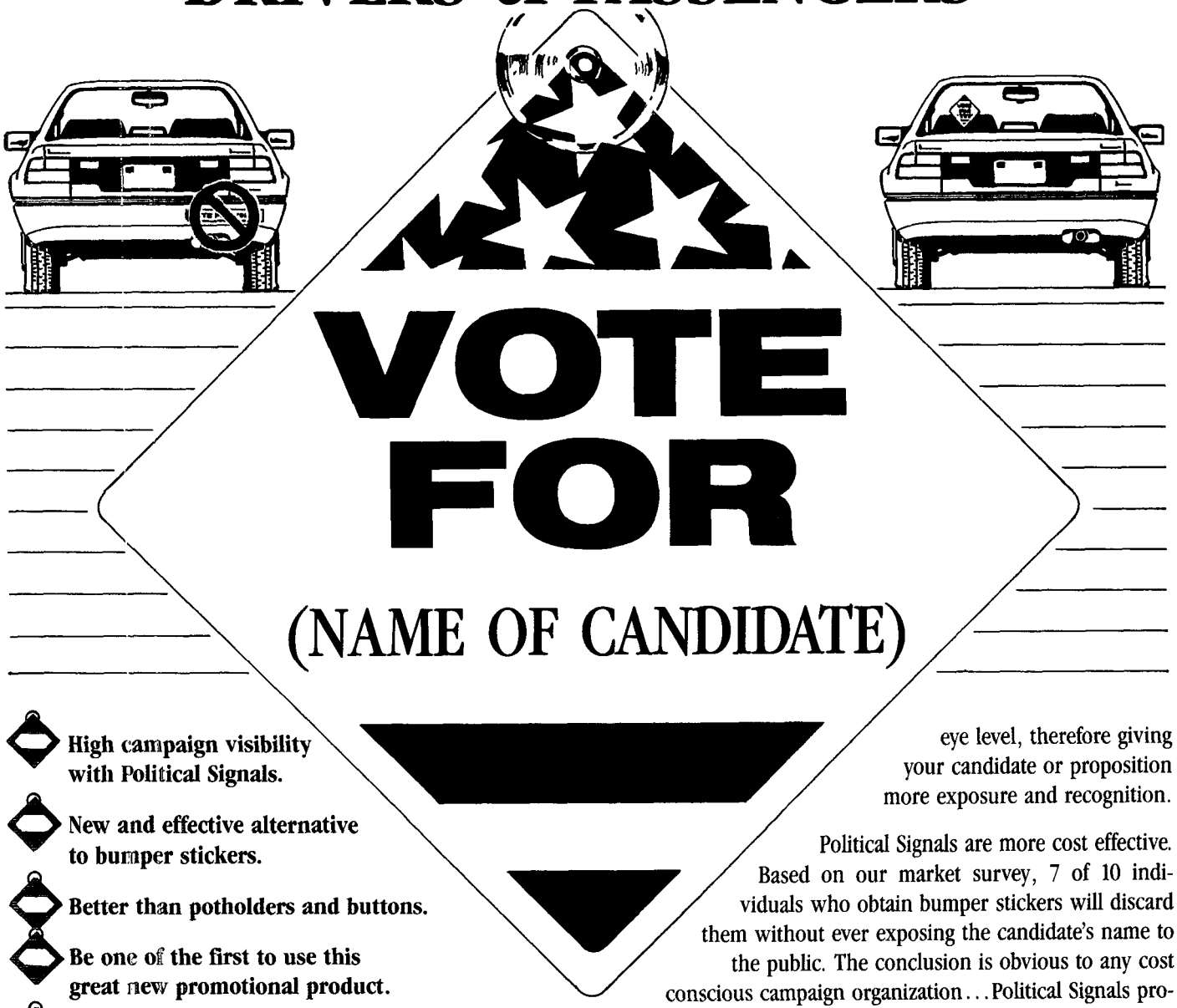

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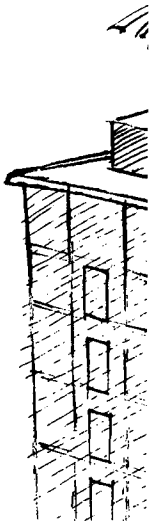
LAWMAKERS AND INITIATIVES

Are ballot measures the magic ride to success?



By Charles Bell and Charles Price

Early in this century, California Progressives, led by their fiery governor, Hiram Johnson, put into state codes and the state Constitution a monumental package of critically important political reforms. More than 75 years later, these reforms continue to shape and influence contemporary political life in this state. Among the many reforms promoted by California Progressives, none, perhaps, has had more significance and long-lasting impact than the initiative. The initiative grants the public the right to propose and enact laws and constitutional amendments through a petition and election process. Progressives wanted the public to have the last word in case legislators were corrupt, overly partisan, or dominated by special interests.

Since its adoption in 1911, hundreds of initiatives have been filed by private citizens or interest-group leaders seeking change from outside the governmental system. Elected officials, on the other hand, have invariably pursued change from within the system in the Legislature and executive. As Kelly Kimball, president of the signature-gathering firm of Kimball Management, noted, "Prior to the 1970s most California legislators were only vaguely aware of the initiative process and how it worked. They rarely thought about it as a potential option for them to use in pursuing their legislative objectives." Indeed, many state legislators would have viewed initiative authoring by members as a breech of legislative protocol.

Over the last two decades, however, this attitude has changed dramatically. Today, state officeholders and ex-officeholders are major participants in initiative authoring. Since 1970, approximately 15 percent of all initiatives filed have been by officeholder-proponents. Indeed, over the last several years (since 1983) about 22 percent of initiatives introduced yearly have been authored by current or ex-officeholders.

Charles G. Bell is professor emeritus, California State University, Fullerton, and visiting professor, UC Davis. Charles M. Price is a professor at California State University, Chico.

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Moreover, elected officials are more successful at getting their measures on the ballot and have been proponents of more than one-third of all the initiatives qualifying for the ballot over the last two decades. As Mike Arno of American Petition Consultants (another professional petition company operating in California) states, "Officeholders are more realistic [than private citizens] about the difficulties of qualifying initiatives. They understand the need to raise money, and they know how to raise it. Also they don't wait too late before planning their signature drive."

However, once initiatives have qualified for the ballot, private citizens' initiatives win voter approval (39 percent) at about the same rate as do officeholders' initiatives (41 percent).

The trend toward officeholder initiative lawmaking, coupled with private-citizen proponents hiring specialized petition attorneys skilled in formulating law (see "The petition business," *CJ*, July 1985) to draft their measures, means that a substantial number of direct-democracy propositions qualifying for the ballot lately have been written by the "experts." Thus, the criticism by some Democratic legislative leaders that initiatives are largely the product of cranks, crackpots and curmudgeons — people abysmally ignorant of the complexities of lawmaking — does not accurately reflect a substantial portion of recent initiatives qualifying for the ballot.

Why are so many state elected officials mounting initiative drives these days? First, the increase in initiatives written by officeholders began at about the same time as the overall resurgence in initiative filing. Thus, only 17 initiatives were filed in the 1950s, only 44 in the 1960s, but 180 were filed in the 1970s and some 204 thus far have been filed in the 1980s. Many of the same reasons cited by direct-democracy experts to explain the increase in initiative filing generally are also factors encouraging elected officals to try to bypass their colleagues as well. Factors such as lack of confidence or trust in state governmental institutions, popularity of particular initiatives (such as the Jarvis-Gann Proposition 13 of June 1978), and the ease in hiring experts from professional-petition firms to secure at least some, if not all, of the signatures

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needed might presumably encourage officeholders to try the initiative process.

Second, for conservative Republicans in the Legislature, the initiative (and referendum as well) has provided a tantalizing way to tweak Democratic leadership noses while at the same time achieving policy objectives.

"We've seen increased partisanship and bitterness in the Legislature, which has led to deadlock and frustration with the process," noted Republican Assemblyman Ross Johnson of Fullerton, author of several ballot measures, including the successful June 1988 campaign-reform initiative, Proposition 73.

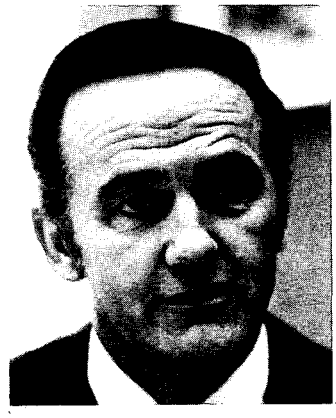
Tony Quinn, a Republican reapportionment expert, argues that prior to Proposition 13 of 1978, Republican officeholders tended to shy away from authoring initiatives because the process was viewed as an anti-establishment device. "Proposition 13 suggested the initiative could be used to make policy from the right," Quinn stated.

The success of that initiative wasn't lost on conservative Republicans. "Jarvis and Gann became folk heroes," noted Johnson, "Now, politically ambitious people see the initiative as a [public relations] vehicle."

Since 1978 Republican incumbents have proposed twice as many initiatives as have Democrats. Republican Johnson, author of five separate initiatives in the 1980s (two were on the same ballot), has become the Legislature's equivalent of Paul Gann. Other conservatives in Republican legislative ranks, such as H.L. Richardson, former state Senator John Briggs, John Doolittle, Richard Mountjoy, Don Rogers, Doris Allen, Tom McClintock and Congressman William Dannemeyer, also have been active authoring initiatives.

Indeed, one recently filed criminal-law initiative has no less than nine co-proponents, including three Republican state legislators — Ed Davis, Ed Royce and Johnson — plus six other Republican local activists. While most of these conservative Republican initiatives deal with substantive policy issues, a number have been directed against the Democratic

Johnson



Briggs

legislative leadership. Former Sonoma GOP Assemblyman Don Sebastiani's reapportionment initiative, Governor George Deukmejian's initiative to have retired appellate judges do reapportioning, and Assembly Minority Leader Pat Nolan's sponsorship of the Gann legislative-reform initiative are examples.

Third, on the Democratic side, a few moderate or liberal legislators have also on occasion proposed initiatives, such as Assemblyman Lloyd Connelly of Sacramento, Senator Joseph Montoya of Whittier, Assemblyman Richard Polanco of Los Angeles and former Santa Clara County state Senator Arlen Gregorio. Some Democrats have turned to authoring initiatives because Republican Governor Deukmejian has ve-

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toed or threatened to veto their bills. However, if Republicans should capture control of the Legislature in the 1990s, it is highly likely that many more Democratic legislators will begin to energetically exercise this option, while Republicans

Sebastiani

Eu

may prefer to work within the legislative arena.

Fourth, some of the Legislature's leading mavericks, such as Democratic Senator Alan Robbins from the San Fernando Valley, independent Senator Quentin Kopp of San Francisco, or former Republican Assemblyman Sebastiani are also found in the initiative-author ranks, perhaps because they see themselves as outsiders in the legislative system. Indeed, one might also anticipate initiative salvos from the Assembly's "Gang of Five" in the months ahead.

Fifth, politicians anticipating runs for higher political office sometimes author initiatives to help generate publicity for their campaigns. For example, former Secretary of State Jerry Brown championed Proposition 9, the 1974 political reform initiative, in his quest to become governor, and Briggs authored death penalty and homosexual teacher initiatives in his bid to become governor. Clearly, it was the fame Paul Gann derived from authoring so many controversial initiatives that made him a formidable candidate when he sought the Republican nomination for U.S. Senate in 1980. There also appear to be definite political overtones to Superintendent of Public Instruction Bill Honig's full-page advertisements in several of the state's major newspapers endorsing the insurance industry's no-fault car insurance initiative.

Sometimes, however, a politician-sponsored initiative may actually hinder its sponsor's bid for higher office, or the bid for higher office may doom the initiative. According to Caren Daniels-Meade, press secretary to Secretary of State March Fong Eu, Eu's "Dimes Against Crimes" initiative was hurt by her U.S. Senate candidacy. "On occasion people were reluctant to support Eu's initiative because it might be viewed as if they were endorsing her candidacy in the U.S. Senate race."

Even though Eu eventually suspended her U.S. Senate campaign in order to get potential financial supporters off the hook, it was too late. And, without financing, Eu could not afford to hire a professional petition company to collect the necessary signatures.

Finally, a prime advantage of initiative-passed law over legislative-passed law is that the former locks in change. Laws passed by the Legislature are constantly being amended; initiatives once approved are far more difficult and cumbersome to amend, and this asset is well understood by elected officeholders.

Ever since the initiative was incorporated into the California Constitution, there has been substantial overlap between the legislative and initiative lawmaking processes.

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Over the years, legislators have sometimes been threatened by potential proponents that if they didn't pass a particular bill, an initiative would be filed which would be far more extreme than the legislative measure.

In turn, legislators have sometimes passed constitutional amendments to go on the ballot as alternatives to previously qualfied initiatives. Currently, for example, the Senate Insurance, Claims and Corporations Committee reluctantly approved a constitutional amendment by Democratic State Senator Herschel Rosenthal to establish an insurance commission which would be charged with approving or disapproving insurance-rate hikes. Though several committee members felt Rosenthal's constitutional amendment was flawed, they voted for it to head off eight separate insurance-reform initiatives seeking qualification on the November 1988 ballot (five eventually qualified). Ross Johnson, for one, believes the initiative process gives him added clout. "The initiative does work as a lever on pending legislation. I have demonstrated that I can get an initiative on the ballot," Johnson said.

On some initiative efforts, officeholders are heavily involved in the drafting and also are publicly identified as sponsors of the measure. But for a variety of strategic or political reasons, they are not listed as proponents. For example, Governor Ronald Reagan (tax-reform initiative of 1973), Governor Jerry Brown (Political Reform Act of 1974), or conservative Republican Assembly Minority Leader Pat Nolan (Legislative Reform Initiative of 1983), while prominently involved with sponsoring these measures, were not technically their proponents.

Also, because of their political prominence, officeholders are frequently asked to write the pro or con arguments in the secretary of state's official *Voters' Handbook*. In addition, incumbents sometimes tape television or radio spots to extol or attack a proposed initiative. For example, Governor George Deukmejian urged voters to support his initiative to establish an independent reapportionment commission, and Attorney General John Van de Kamp said voters should vote "no" on the "deep pocket" insurance-reform initiative (Proposition 51, June 1986).

What are the implications in having officeholders author so many initiatives? In theory, the initiative was supposed to be a sort of last-resort option for private citizens to propose new laws or constitutional change, thus bypassing a recalcitrant Legislature. In reality, the problems such as heightened partisanship, special-interest influence, political opportunism, public distrust and friction between the governor and the Legislature have contributed to a shift to initiative lawmaking and away from legislative lawmaking. Until these problems are resolved, it is likely that there will continue to be a significant number of incumbent initiatives. And, the more officeholder initiatives on the ballot, the likelier the frustration in an increasingly irrelevant Legislature. Indeed, one of the initiative's sharpest critics, Assembly Speaker Willie Brown, commented recently that he wished a particular initiative had been launched in the Legislature.

"I'd prefer to see it debated, the dialogue elevated, in the halls of the Legislature," he said, admitting, "Politicians are usually not risk-takers and that even if similar legislation were introduced, it would be a slow, ponderous procedure."

There were six initiatives on the June 1988 ballot, an unprecedented number for a primary election. There are 12 on the ballot in November. And the state may be fast approaching (if it hasn't already) the point of no return in terms of voter overload. Extensive initiative lawmaking by politicians clearly indicates a troubled state Legislature.

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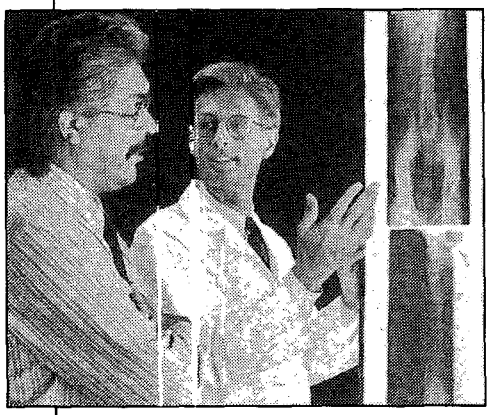

plan estimated they *saved $225,000 in 6 months on 12 patients that avoided back surgery through chiropractic care.*[4] A recent workers' compensation study showed that the medical patient is twice as likely to be put in the hospital as the chiropractic patient with the same back pain condition.[5] A medical study showed that cases resulting in hospitalization cost roughly eight times as much as cases that are treated on an outpatient basis.[6]

3. Prompt diagnosis/treatment = less time off work—Examination, diagnosis (utilizing in-house x-ray) and treatment can usually be accomplished within one day, during the first chiropractic visit. Compare this with the standard medical routine where the examining physician refers the patient for outside x-rays then schedules the patient again to review the results. Lost work time, increased fees, inconvenience and delayed treatment are the results.

4. Prevention and rehabilitation = less disability and fewer recurring problems—The chiropractic doctor's active bio-mechanical approach emphasizing continued movement, exercise and early rehabilitation, treats the real cause rather than the pain. This reduces recurring problems. It also prevents onset of the disability behavior that complicates spinal problems. The DC approaches the patient as a person, not as a "bad disc" or a "headache". To prevent problems recurring, the chiropractic doctor may prescribe worksite postural or lifting corrections, exercise programs, proper nutrition and stress reduction guidance where appropriate.

5. Success in returning chronic pain patients to work—In a medical study of "totally disabled chronic back pain patients" unresponsive to standard medical care, 87% were returned to "full function with no restriction for work or other activities" after receiving 2-3 weeks of chiropractic treatment.[7] These patients had experienced constant and severe disabling back pain for an average of 7.6 years in spite of a wide variety of medical treatments, including surgery for some. After 12 months' follow-up the same success rate was shown.

CONCLUSION: Implement the cost-effective alternative. *The health plan mentioned above established a corporate policy requiring all patients to receive chiropractic evaluation before referral to the hospital for back and neck pain.*

Today in California, the doctor of chiropractic is a primary health care provider who has completed six years of health sciences study and clinical internship. State licensure includes a rigorous examination and yearly continuing education requirements.

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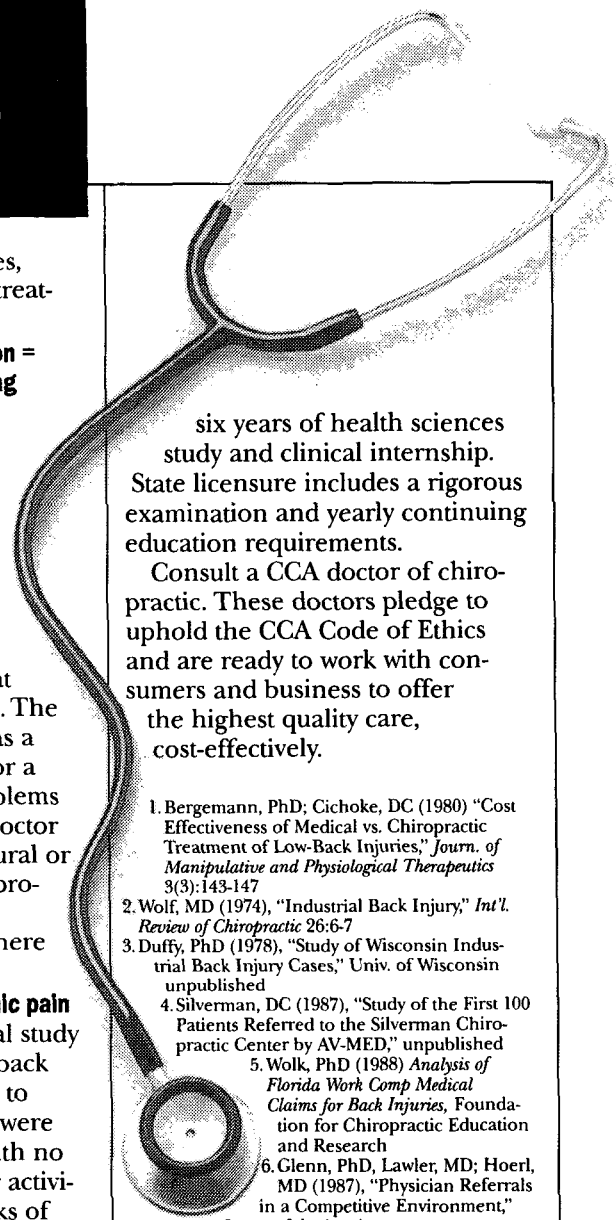

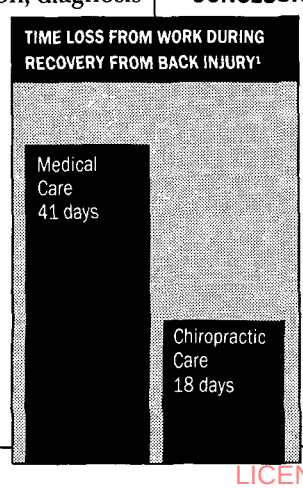

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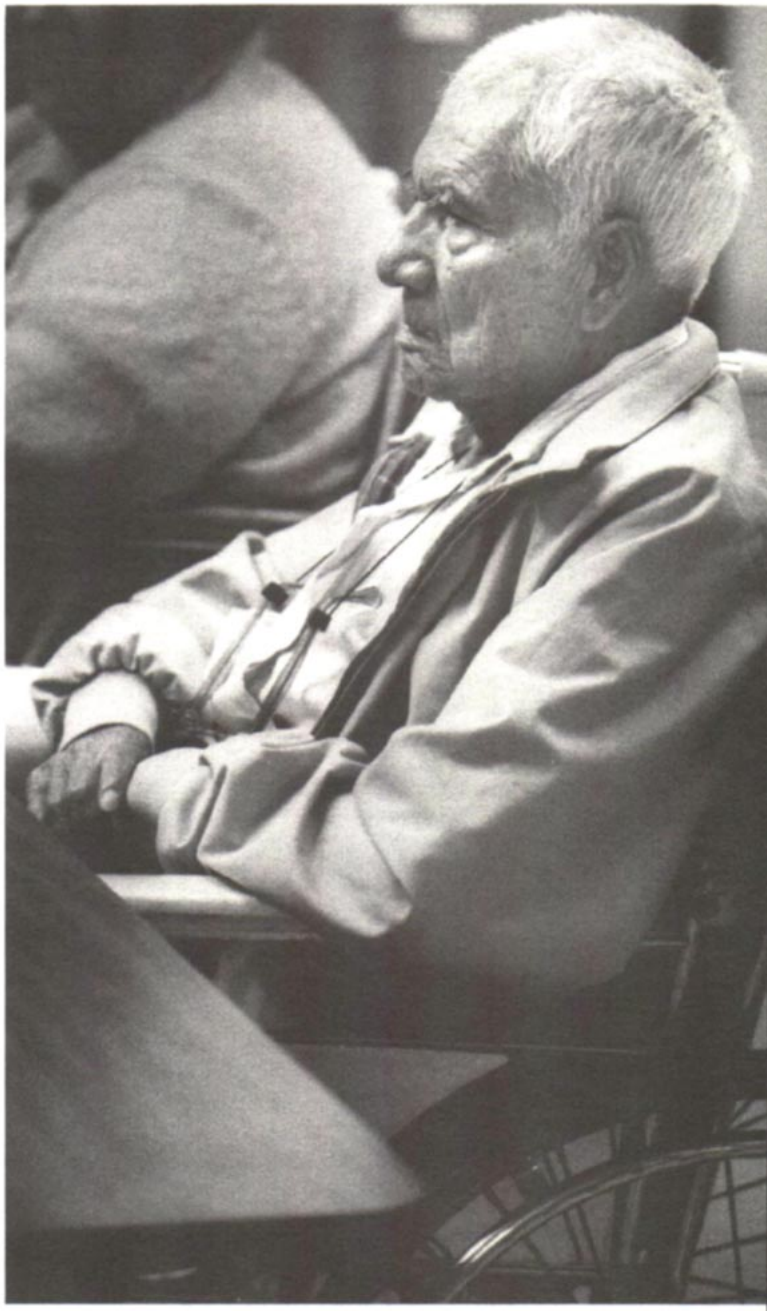

Photo by Kristen Wilson

THE LOOMING
HEALTH-CARE CRISIS

The graying of the baby boomers

By Max Boot

Coming soon! From the folks who brought you the anti-Vietnam War movement and introduced 'yuppie' into the lexicon: a health-care crisis.

According to health-policy experts, that line could be the final slogan of the baby-boom generation — the millions of people born immediately after World War II. The boomers, who once rocked America with "Hey, Hey — LBJ" and today flaunt "conspicuous consumption," will turn 65 years old in the second decade of the 21st Century. And in their dotage, they will put an unprecedented strain on California's health-care system.

The crunch will not come in "acute" care — temporary hospitalization for chronic illness. This is well-covered by the federal Medicare program and the catastrophic illness insurance bill recently signed into law by President Ronald Reagan. Rather, analysts suggest, the crisis will be in long-term care, especially nursing homes and in-the-home care.

"If [long-term care] is not the number one" priority in health care, says Cliff Allenby, secretary of the state Health and Welfare Agency, "then it's awful close."

He adds, "Assuming we make no changes in current programs, we're going to need a lot more long-term care facilities tomorrow than we do today. We have to make sure whatever we do, we have sufficient facilities to care for people who need it."

In California there are currently 36 different state programs providing long-term care, at an annual cost of $1.7 billion. Another $1.2 billion is spent in the state by the federal government, and $900 million comes from county and city governments. The largest chunks of the state spending go to skilled nursing homes, which are funded through MediCal, and in-home support services, which are under the Department of Social Services. *Continued on next page*

Max Boot is city bureau chief of the (Berkeley) Daily Californian.

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Still, government is not the largest provider of care. "Sixty percent of nursing-home funding is private pay," asserted Robert Jackson, assistant secretary of the Health and Welfare Agency, adding that most in-home services are also provided by family members, not the government. Nevertheless, there is clearly a trend towards a larger state role in long-term care.

In 1975 the state of California ran only 11 long-term care programs, at a cost of just $750 million. Since then, MediCal has grown 176 percent and a number of new programs have been covered: adult day-care centers, Alzheimers' day-care centers, and the linkages program which helps seniors receive the full range of services available to them.

This is no less than what the public expects. In a recent SRI/Gallup poll of 500 Californians, 90 percent said that government should pay for long-term care for those who cannot afford it. A number of other surveys show about the same number of Americans believe that health care is a basic right that should be guaranteed by the government.

Yet, because the elderly are the fastest-growing segment of the population, meeting the public demand for long-term care in the coming decades could drown the state in an ocean of red ink. Today there are 26 million California residents, of whom about two-and-a-half million are over age 64. When the first baby-boomers reach retirement age in 2020 (and the general population hits 39 million), the number of senior citizens will double, to five million, according to Assistant Secretary Jackson who is the principal author of a

Photo by Kristen Wilson

comprehensive study of long-term health care in California that is due to be released September 1st.

That means one in six Californians will be over 64 years old in 2020, Jackson said, as compared to one in 13 now. Moreover, he predicted, the number of people 85 and over — the group most at risk for long-term care — will jump a whopping 133 percent, from 266,000 to 622,000.

"Maintaining [long-term care programs] at the existing level in the year 2020," Jackson argues, "would cost a staggering amount." However, the state government cannot radically increase its support for long-term care because of the 1979 Proposition 4, the Gann initiative limiting government spending. Voters, meantime, appear reluctant to approve a tax increase: another SRI/Gallup poll found that while most Californians want government-funded long-term care, only 8 percent perceive this as an obligation of taxpayers. And with the federal government battling a large deficit, little financial help can be expected from Washington.

Allenby

Given these constraints, no one knows how long-term care in California will be financed in the future. With the predictions about the year 2020 looming overhead like the sword of Damocles, politicians, health-care providers, academics and the senior-citizen lobby are all looking for answers.

Most proposals focus on shifting the burden of financing long-term care from MediCal to private insurance, or to a joint effort between government and industry. "It almost goes without saying that there will have to be a public-private partnership," asserts Secretary Allenby, because the state cannot afford to shoulder the titanic costs alone.

At the same time, many analysts want to correct what they perceive as a fault of the current system: an emphasis on funding nursing homes, which have a Dickensian reputation (see box). Most elderly do not want to be institutionalized, preferring to live in their own house, even if they are partially disabled. Programs that allow them to do this include In-Home Support Services (providing assistance in shopping, cooking, bathing, etc.), in-home medical care, meals on wheels, and adult day-care centers. Put more resources into those areas, experts recommend, but also make nursing homes more affordable for those who need them.

Under the current system, an oldster who enters a nursing home (cost: $20,000-$25,000 a year) can expect to exhaust his life savings in an average of six months and thus qualify for MediCal. Critics argue that a health-care system that forces seniors to go bankrupt before they qualify for assistance is inhumane, and a better way must be found to finance long-term care.

The most popular measure currently on the table is a proposed initiative by Democratic Assemblyman Lloyd Connelly of Sacramento that would raise the sales tax a half-cent in order to subsidize private, long-term care insurance for those over 65. Connelly, who chairs the Assembly Committee on Aging and Long-Term Care, expects to raise about a billion dollars for long-term care if his proposition, which will circulate in January 1989, qualifies for the ballot and is approved by the voters.

Long-term care insurance already is offered nationally by 70 insurance companies, but it has not caught on: only 500,000 people have bought it nationwide. The problem apparently is that most younger people do not purchase the insurance because they don't anticipate needing long-term care, while many seniors, who want the policy, cannot afford premiums that run an average of $1000-a-month.

Connelly says his initiative — co-sponsered by the American Association of Retired People (AARP), the nation's biggest senior lobbying organization — would allow the 40 percent of seniors who cannot afford insurance to stay in a nursing home without going belly-up. The Sacramento Dem-

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ocrat also promises that his proposition would make in-home care more affordable for the elderly. It would do this, says Dial Philips of the Assembly Office of Research, which has been studying the initiative, by regulating the insurance packages subsidized by the state; one of the requirements probably would be that insurance companies include substantial benefits for in-home care.

Because the Connelly initiative has not been drafted yet, most players in the field of long-term care are taking a wait-and-see attitude. But, surprisingly, many senior activists are fiercely opposed to the initiative.

The Connelly initiative would provide a big windfall for insurance companies and doctors, complains Emma Gunterman who lobbies on senior issues for California Rural Legal Assistance Foundation, but would raise health-care costs for everybody. She compares the situation to what happened in the late 1960s and 1970s after the creation of Medicare and MediCal: Doctors raised their rates exponentially to take advantage of government largess. Control and lower health-care costs, advises Gunterman — don't throw unlimited amounts of money at the problem.

Even some supporters of the Connelly measure doubt its effectiveness, for two reasons: First, if seniors become eligible for MediCal after only a short stay in a nursing home, they have little incentive to buy expensive insurance, even with a state subsidy. Second, insurance companies might be reluctant to sell a policy at all to many people in the 65 and over group, especially those over 80, because the risks would not justify any premium.

Connelly's initiative has drawn even more fire because it would mandate a tax increase. Voicing a common opinion, John Sonneborn, chairman of the California Commission on Aging, says, "Personally, I don't think people in California are ready for a half-cent tax increase across-the-board." Since California voters have a long record — stretching back to 1978 and Proposition 13 — of rejecting higher taxes, many observers doubt Connelly's initiative will pass.

A number of other options for financing long-term care have been batted about. These include some plans that already exist but have proved unpopular with the public — for example, reverse annuity mortgages (the theory being that since most seniors have their houses paid off, they can sell it and live off the mortgage).

There are many other innovative ideas for financing long-term care: health-care Individual Retirement Accounts; social health-maintainence organizations — that is, firms like Blue Cross or Kaiser providing long-term care, which no HMO currently does; and Secretary Allenby suggests using the tax code to encourage families to pay for more of their own long-term care.

"These proposals have some potential for reducing" the cost of government long-term care programs, comments Professor Robert Newcomer of the Institute of Health and Aging at University of California, San Francisco. But, because the schemes are not very comprehensive, he concludes: "No substantial impact [from them] is expected on MediCal budgets.... How much money will be saved [for the state] by the insurance products in the short-term? I don't expect we'll save a lot of money."

A more comphrehensive answer has been offered by Assemblyman Dan Hauser. In 1985 the Eureka Democrat introduced a state-wide basic health insurance plan that would have forced every worker in the state to buy private health insurance, and would have made employers pay two-thirds of the cost. Although aimed at a broad spectrum of medical care, the Hauser plan also would have mandated long-term care insurance for every adult, regardless of age. Rather than making seniors pay for their own care, Hauser maintains, this would have spread the cost of long-term care evenly among the entire population, raising premiums across-the-board by 4 to 5 percent.

Hauser explains the intent of his legislation was to give health insurance to the 5.2 million people in California who currently have no medical coverage. Also, in order to provide insurance for those who are unemployed or earn too little to pay any premiums, the state would have redirected MediCal funds into private insurance policies. The cost of the Hauser plan — which was never definitively computed by the legislator's staff — could have been a prohibitively high $4 to $5 billion, according to Tom Porter, principal consultant of the Assembly Committee on Aging and Long-Term Care.

However, the Hauser bill never made it out of the Assembly Finance and Insurance Committee. It was killed because of strong opposition from the California Medical Association which feared the plan would reduce doctors' fees, and from business interests, which argued that small businesses would not be able to afford the health premiums. The bill "was the first step to socialized medicine," contends Republican Assemblywoman Bev Hansen of Santa Rosa, summing up opposition to the legislation. "And I have never seen [socialized medicine] work anywhere."

Hauser has introduced a new version of his comprehensive health plan, named ACA 60. This would amend the state Constitution to assert health care is a right of all Californians, and health-care spending should be exempt from the Gann limit. It also would mandate that the state create a program within two years that would provide health coverage for all California residents.

Although ACA 60 passed a crucial test in the Assembly

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Ways and Means Committee on August 3rd, not even Hauser expects it to be approved by the required two-thirds vote in both houses. "We may at some point have to go the initiative route," he admits.

Many senior lobbying organizations, however, threw their considerable political clout behind the Hauser plan. They favor resolving the coming long-term care crisis through a broad-based government-mandated health plan, not through "piecemeal" legislation like the Connelly initiative.

"We need a restructuring of the medical assistance system," says Ted Ruhig, president of the Council of Sacramento Senior Organizations. "Patch upon patch upon patch is not going to help the system.... We need population-wide insurance, from cradle to grave."

Ruhig, who is also budget analyst for the Senior Legislature, a lobbying group, wants a system in which "everybody pays [taxes] and everybody gets [medical care] — there is medical care for everybody, for all ages."

On the other hand, Professor Newcomer, an expert in the field of long-term health care, argues that limited state programs like Connelly's could lay the groundwork for a more extensive health plan in the 21st Century when the demand for long-term care will increase dramatically.

"We do have to get started," Newcomer said. "If 60-65 year olds can be brought in [to insurance plans] today, that gives us as much as 20 years to build an insurance base" before today's boomers pass into retirement.

Ultimately, many long-term care experts in California expect Washington to relieve the states of the responsibility for dealing with the coming crunch. After the passage this year of the federal Catastrophic Health Insurance Act, says Ronald Kurtz, vice-president of the California Association of Health Facilities, which lobbies on behalf of nursing-home operators, "the conventional wisdom in Washington is that there will be a new national financing system for long-term care."

This view may be over-optimistic, but Senator Edward Kennedy of Massachusetts is pushing two health-care bills; One would require employers to provide minimum health coverage for employees; the other would cover all long-term care for the nation's elderly at an estimated cost of $20 billion annually.

Whether the solution will be national or will come piecemeal at the state level, analysts say, it is clear that some plan will have to be agreed upon soon to avoid a catastrophic overload of the long-term health-care system.

"There is a very high probablility that the demand for long-term care will not lessen," observes Newcomer. "If we don't start prefunding services for the needs of the population, we will be in real trouble. This is a good time to start. There is no sense for long-term care to engulf state budgets as [much as it already] has."

How the state of California deals with the impending crisis will determine whether the final legacy of the baby-boomers — already the most written about, most famous generation in U.S. history — will be a government bankrupted by its inability to pay for their long-term health care.

MediCal funding and nursing homes

"I've gone to visit nursing homes in my district. They're overcrowded, there's not enough staff to take care of the people or check patients regularly," laments Republican Assemblywoman Doris Allen of Cypress. "It's a real heartbreaker for me."

The conditions Allen describes exist in many of California's 1200 private licensed nursing homes, according to nursing-home operators, seniors' activists, and legislators. The chief cause of the problem, they say, is the $53-a-day rate that MediCal pays per patient to nursing homes. Although the state spends $1.3 billion annually for 70,000 patients, critics charge that nursing homes do not receive enough funding to pay for all the services they are expected to provide seniors.

Unlike in the past, the problem today is not with physical abuse or maltreatment of seniors. Although cases of abuse continue to come to light, California has extremely tight nursing-home regulations. The laws generally work.

But laws can only ensure a minimum level of care; they do not provide incentives for nursing homes to guarantee pleasant living conditions or a high standard of medical care for seniors. Problems abound in nursing homes which cannot be solved by regulations, health care experts claim.

As noted by Allen, adequate medical care is often lacking. For one, there is shortage of nurses willing to work in the homes, which pay rock-bottom salaries. There are only a few registered nurses in most homes; most of the care is provided by practical nurses, who earn close to the minimum wage and have little more than a high-school education. There is a 100 percent employee turnover every year among employees in California nursing homes (some people do remain on the job for a long time, but many other jobs trade hands several times a year).

Doctors' visits are infrequent. MediCal authorizes only $13 for a physician to visit each patient once a month. "At $13 a visit, you can imagine how enthusiastic a physician is to go to a nursing home and visit patients," comments Ronald Kurtz, executive vice president of the California Association of Health Facilities which lobbies on behalf of nursing-home operators.

As California's elderly population expands rapidly in the next 35 years, another problem might develop: a shortage of nursing homes. Already most nursing homes, especially in urban areas, are filled to capacity. What will happen when the demand doubles?

"Is there enough capital out there to build nursing homes at $53 a bed?" speculates Maggie DeBow, assistant secretary of Health and Welfare, adding that it costs an average of $18,000 to develop each bed in a nursing home — including costs for attorneys, architects, materials, and so forth.

"If nothing changes, we will develop a significant bed shortage," predicts Kurtz, who explains that the problem will be most acute in areas like Los Angeles and San Francisco where real estate costs are skyrocketing.

"The flat [per-patient MediCal] rate is going to have to be raised," argues Assemblywoman Allen, who sits on the Aging and Long-Term Care Committee. "Either it has to happen or we will not have nursing homes because it will not be profitable for [nursing-home operators] to be in business."

—Max Boot

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Cliff Allenby: Bean counter as policy maker

By A.G. Block

David Swoap announced his resignation as secretary of Health and Welfare in late September 1985. For the next 15 months, the Deukmejian administration hinted that it was close to naming a successor but was delayed because the search was so exhaustive and detailed.

Translation: The governor couldn't recruit anyone.

No wonder. Among Capitol insiders, the huge and politically sensitive Health and Welfare Agency is known as a "loser" — no matter what its secretary does, he can't make anyone happy. He oversees departments and programs that minister to the disabled, the aged, the mentally ill, the drug and booze dependent, the pregnant poor, the jobless, the homeless, and the chronically ill. And his $10 billion budget is filled with big-ticket items like MediCal that are easy targets for budget-slashers when money is tight.

There is never enough money. As a result, the agency secretary seems always to say "no" to the most unfortunate and trodden-upon in society. To head Health and Welfare is to sit on a political hot seat; to be a lightning rod for protest and criticism; to symbolize the hard-hearted business of stretching limited state resources.

Enter Cliff Allenby — political neutral, career number-cruncher. On the last day of 1986, George Deukmejian named Allenby to replace the long-gone David Swoap. The selection was immediately hailed by Democrats and Republicans alike.

For 23 years, the 52-year-old Allenby had been a government bean counter toiling away in the labyrinth known as the state Department of Finance. For a while, he was deputy chief bean counter and represented Finance with its foremost political and moral enemy — the California Legislature. He worked for four governors: Pat Brown, Ronald Reagan, Jerry Brown and Deukmejian. He was well-known and respected by both Republican and Democratic lawmakers; especially by Democrats, often at war with Swoap.

"He's a breath of fresh air in an otherwise gloomy administration," said Assemblyman Tom Bates, a Berkeley Democrat who chairs the Human Services Committee. "He tries to figure out ways to get the programs to function in as efficient and cost-effective manner as possible."

Bates said Allenby's approach differs significantly from that of his predecessor. "Swoap was blinded by his ideology," Bates explained. "It was impossible to get him to look at the compassionate side the problems. If it didn't fit some ideological framework, you couldn't get it done."

In contrast, Allenby "wants to make good policy for the state rather than put forth some personal agenda," said Senator Art Torres, Democratic member of the Senate Health and Human Services Committee. "He's accessible to legislators ... and is willing to listen and to take input to solve problems."

"He is one of the great 'fixer' people," said Nancy Ordway, the former chief deputy director of Finance. "If there's a way of making lemonade out of lemons, Cliff will find it."

Ordway said that Allenby is trusted by lawmakers because he never promised what he couldn't deliver. In fact, she said, Allenby rarely promised anything. "He'd tell someone he agreed with them and would work for [the proposal or idea], and this meant he would work hard for it."

Allenby, a 1959 graduate of Humboldt State College, joined the Department of Finance in 1963 after doing graduate work at San Jose State. He worked his way up from budget analyst to deputy director. To many Capitol colleagues, he was regarded as the *de facto* director during the waning years of the Jerry Brown administration. Finance was his home, his security blanket. Why, then, would he leave that security for the turmoil known as Health and Welfare?

"I thought it would be a challenge and I could bring a non-partisan aspect to the [health and welfare] area," he said.

Allenby's interest was also piqued by the challenges inherent in running an agency that spends nearly 30 percent of the state's general fund. Despite the gargantuan budget, Allenby insists there isn't enough money. His challenge, he said, is to spend wisely, and that may mean changing the state's priorities.

One area that needs more money and may benefit from reordered priorities is access to medical service for the poor, funded through the state's MediCal program, said Allenby. He said statuatory cost-of-living adjustments (COLAs) for other programs could be lowered to provide the cash needed to entice doctors and hospitals to accept more MediCal patients.

"We must begin to talk about outcomes," Allenby said. "Government talks in terms of process — caseloads, clients, general numbers. We need to ... talk about the outcomes we're getting for the dollars we spend. What happens to the people we serve?" Government has been a counter of things; it should be a counter of accomplishments, he said.

Of course, Allenby works for an administration that often equates accomplishments with numbers. Back in 1985, for instance, the governor trumpeted progress in the war on toxic waste by issuing a list of 100 sites supposedly cleaned up by his administration. The list included the emptying of a pan full of PCB that had leaked from a transformer, but it excluded all the state's major hazardous-waste sites.

"We [the administration] have talked about this in general terms," Allenby said, referring to changing his department's priorities. "But we haven't been as explicit as we need to be for the budget next year. We plan to devote more time to this in the future."

Allenby also must convince the Legislature, for lawmakers set COLAs and establish many of his agency's spending priorities through legislation. He has little discretion over how most of his money is doled out. In the legislative arena, Allenby's reputation for hard work and integrity may help convince lawmakers to his way of thinking. At least they will listen.

"Legislators appreciate him," said Bates. "When we think about who in the administration is most reasonable about solving problems, we think of Allenby."

Bates, however, sounds a note of caution. "He [Allenby] needs to be more of an advocate. He massages the numbers and makes things work on the surface, but he doesn't fight hard enough to increase funding to hold his department together."

Allenby would love to have more money. The toughest part of his job, he said, is to "tell someone that their need is significant, but we just ran out of money."

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Stuart Spencer

Making the most of the Reagan Connection

By Martin Salditch

Stuart K. Spencer "has made it possible for himself to become at once a Washington power without ever leaving Southern California," NBC news anchor Tom Brokaw quipped at a 60th birthday party last year for the Orange County-based political consultant.

That happens to be only a slight exaggeration. After all, the party was held in the nation's capital. And Spencer, the president and co-founder of the political-consulting firm of Spencer-Roberts & Associates, does visit Washington about every six weeks to lobby the Congress and federal agencies for his business clients, and perhaps to have lunch with the president and Nancy Reagan at the White House.

He's gone far for a former recreation director for the city of Alhambra and Young Republican activist in Los Angeles County. Politics, however, has been in his and his family's blood for a long time. His stepfather, A. Kenneth Spencer, an 86-year-old San Gabriel dentist who retired only last year, has been a member of the Los Angeles County Republican Central Committee

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Martin Salditch is Washington correspondent for the Riverside Press-Enterprise.

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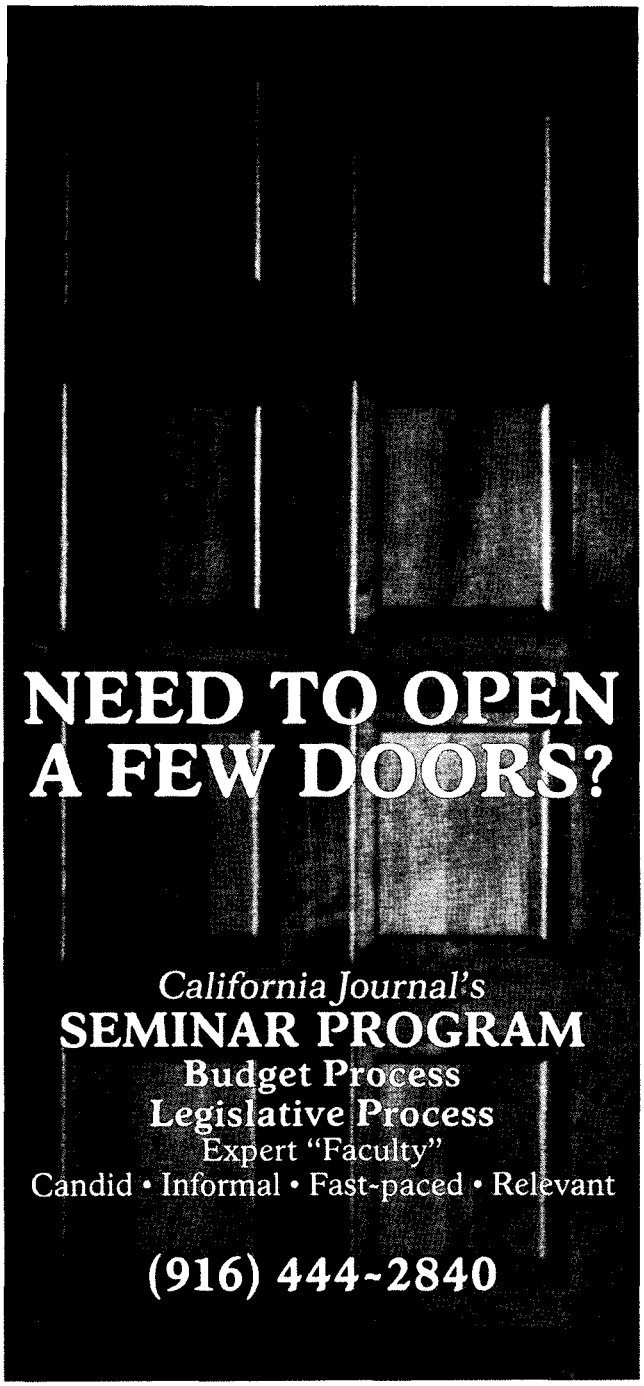

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for 30 years. Before that, way back in 1946, the elder Spencer was on a local panel which recruited a young Whittier attorney named Richard Nixon to unseat a liberal Democratic congressman.

Stuart Spencer himself has been advising politicians for 30 years, and the family's political tradition continues with his daughter, Karen, who heads Governor George Deukmejian's Washington, D.C., operation. But it was Stuart Spencer's early involvement with the Reagans — he and his former partner, the late Bill Roberts, ran the president's 1966 and 1970 gubernatorial campaigns — that led to his current influence in Washington.

"He [Spencer] is one of the few people who is licensed to speak his mind to the president and his wife on all subjects, and has the audacity to do so," writes former Chief of Staff and Treasury Secretary Donald Regan in his controversial memoirs, *For the Record*. Regan, who unsuccessfully tried to get Spencer to serve as White House communications director during the Iran-Contra crisis, adds, "The Reagans have formed the habit over many years of listening very carefully to what he says."

Spencer shrugs off the compliment because he doesn't respect its author. "Regan offered me that job to protect his own ass," he observed during an interview in his top-floor hotel suite overlooking downtown Washington. "He already told the Reagans I couldn't take it."

Regan also was aware, according to his book, that Spencer had joined Nancy Reagan and former White House aide Michael Deaver in a behind-the-scenes effort to force out the chief of staff, blamed by the Tower Commission for the "chaos" which followed disclosure of Iran-Contra. That may be why Regan also refers to Spencer as "a ruthless pragmatist" who "was a gifted handler of the press, as I had reason to know."

As far as Spencer is concerned, the former chairman of Merrill Lynch, Pierce, Fenner and Smith was unfit for high government office. "He was a very arrogant dictator who couldn't work with Congress. It became apparent that the guy was not rehabilitable. In this town, it's persuasion and timing that counts, not barking orders."

Regan's barbs do not bother Spencer and are not likely to diminish his entree at the White House. The Orange County consultant visits the president and his wife from 12 to 15 times a year, both in Washington and in California.

"We talk about different things at different times," he said. "I've known them a long time, and they have confidence in my political skills. They don't ask me how to handle the Russians. It's usually on political subjects."

Spencer, although disarmingly candid and talkative, would not disclose more about presidential conversations. "I abhor these kiss-and-tell books," he asserted, referring to the recently-published insider books by Regan, former presidential spokesman Larry Speakes, and former deputy chief of staff Deaver. "It's outrageous. I don't think it is ethical or professional, whether it is Regan, Speakes or Deaver, or anyone with a confidential relationship. It's not fair."

Spencer said he is willing to tape record his recollections of the Reagans, as he did regarding the governorship for the University of California, on condition they not be released to historians for 50 years.

"But I will never write a book," he pledged. "You see people at their best and worst in this business. It's not right to get inside a candidate to determine strengths and weaknesses, and then write a book about it."

There is no doubt that Spencer could tell some fascinating tales about his candidates during the past 30 years. He

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has represented and consulted for a myriad of Republicans from the party's various wings, from liberal to ultra-conservative: Presidents Reagan and Gerald Ford, presidential hopeful Nelson Rockefeller, former U.S. Senators Thomas H. Kuchel and George Murphy of California, and former Congressman John Rousselot of San Marino, who lost his House seat due to a Democratic reapportionment.

What did Spencer-Roberts, founded in 1960, bring to California and later to national politics?

"We took the old techniques and improved them," explained Spencer. "We used census data with voting patterns to target areas of potential support, and put our candidate, workers and mailings there."

In addition, the firm was one of the first to use computers for analyzing data, he added. It also upgraded the quality of television commercials and established a polling subsidiary, Decision Making Information, later sold to Reagan pollster Richard Wirthlin.

For Spencer, the fundamentals of politics have not changed over the years. "Every campaign has a soul, and you want to put together a group that has the right chemistry," he said. "Victory depends on the candidate, money, organization and issues." The importance of each element varies from campaign to campaign, he added.

This year, Spencer-Roberts is advising Senator Pete Wilson on his reelection strategy against Democrat Leo McCarthy, and he is informally advising Craig Fuller, who is the chief of staff to Republican presidential candidate George Bush. He also joined Reagan and Bush at a luncheon to discuss ways the president's activities could help the Bush campaign.

Wilson, who leads McCarthy in current polls, has done very well parlaying strong support for Israel and pro-movie industry legislation into campaign contributions from Jewish and Hollywood circles, which usually back liberal Democrats, noted Spencer.

"Pete's got a long way to go before November, but I think he is in very good shape for reelection," he added. "But it is far from over, despite some mistakes by McCarthy. There's time for Pete to make some mistakes himself."

Wilson is equally high on Spencer, who also aided his 1982 campaign against then-Democratic Governor Jerry Brown. "He has probably the shrewdest political instincts of almost anyone I know in this business," the senator said of Spencer. 'He's got a sixth sense at avoiding mistakes and spotting opportunities for action."

Regarding this year's presidential contest, Spencer forecasts "a very close race" which presently favors Democratic Governor Michael Dukakis of Massachusets. "Momentum is in the Democratic direction. They've been out of the White House for eight years, and they have a lot going for them."

Both Bush and Dukakis have significant weaknesses, he noted. "Dukakis is very close to Jimmy Carter in being a bean-counter. He's more interested in the process than the big picture. Bush's liabilities are his inability to communicate, and the fact that he has been vice president for almost eight years."

Spencer indicated he might be more interested in travelling this fall with the eventual Republican nominee for vice president rather than with Bush.

"There is a challenge to put on a really good vice-presidential campaign that makes a hell of a contribution to the ticket," he said. "I have done everything in politics, but none of us has ever done that. The vice-presidential nominee usually gets the leftovers and very little direction from the top of the ticket."

Spencer suggests that the vice-presidential nominee could make a difference in the election if the candidate concentrated on a few key states where he or she could have special impact, rather than campaigning across the nation.

How will political campaigns be shaped in the next decade or two? "A lot depends on whether Congress decides to substitute public financing for private funding of Senate and House races," he replied. "The past influence of the major political parties could be restored if they were designated to distribute public campaign funds to candidates."

Spencer said he could "make a good argument for that," although one reason his firm has been successful in California is the weak party structure mandated by laws dating back to the Hiram Johnson era.

"Politics is an art form," he concluded. "I think the good pols before my time were people with great political instincts. Luck is another factor. But I've never been able to put my finger on it."

Karen Spencer thinks she can.

"He understands people and what they are thinking," she said. "He's very much his own person. He tells the truth. And he treats his clients as friends. I don't think he would represent just anyone."

Spencer-Roberts has been handling mostly business clients in recent years, and promises "persuasive communication." The firms include the Irvine Company and Orange County developer Donald Koll; Suntory International, a Japanese whiskey firm; the British-American Tobacco Company, which owns several major U.S. department store chains; and the Chesapeake Railroad.

Another client is the state government of Illinois, which is trying to win the site for a $5 billion superconductor-supercollider, a 53-mile oval underground atom-smasher to be funded by the U.S. Energy Department. Seven states remain in the competition after California and 17 other states were eliminated last January in an initial screening.

Spencer also communicates his view to many others, as evidenced by his constantly-jangling hotel room telephone. "I have a lot of friends in office and they call me all the time for free advice," he explained.

When the consultant wants to get away from clients, he heads for his 150-acre ranch near Medford, Oregon, where he raises horses, sheep and cattle. "It's absolutely beautiful country and I can get away from everything, even politics."

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KNOCKED OFF THE PEDESTAL

State's image no longer golden?

By Sherry Bebitch Jeffe

California has lost its appeal as a role model. Legislators from other states once saw the California Legislature as a body to be emulated. No longer.

"I don't intend to match California's (campaign finance) totals or style," pledged Democrat John Martin, speaker of the Maine House, to a group of legislative leaders, journalists and academicians from throughout the country. They had been called together last year at the Eagleton Institute of Politics in New Jersey to ponder the "State of the States".

In the prior two decades the much-heralded "California model" of the modern state legislature — a full-time, professional legislative body — was adopted by other states. The reasons are similar to those which saw its introduction into California government in 1966: the need for legislative upgrading, the desire for a more independent, knowledgeable and deliberative legislative body and a more attractive, well-paying and challenging place to work.

But there is a growing concern that, just as legislative upgrading has brought unanticipated problems to California, transplanting the model has brought similar problems to other states. In the California crucible, legislative reforms have contributed to a body which functions more like today's balkanized, gridlocked, media- and money-driven Congress than the citizen legislatures of yesterday. At least that's the perception of experts and legislators in other states.

"In the age of the 'reform movement', California was always held up as the model to be emulated by all other states. I don't hear that any more," observed David Ogle, executive director of Connecticut's Joint Committee on Legislative Management. "Now it's viewed as something that is just too big and mammoth for legislatures to relate to ... the feeling in medium- and smaller-sized states is that the California situation is closer...to the congressional one than it is to the states, just because you're so big."

Alan Rosenthal, director of the Eagleton Institute of Politics at Rutgers University, put it more bluntly: "There are some respects in which California has been a very outstand-

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Sherry Bebitch Jeffe, Ph.D., writes on issues of California state government and politics.

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ing legislature and I think many other legislatures have kind of followed in the California footsteps, but *now* is not the time to emulate California. Things have probably gone too far in California in terms of the preoccupation with politics and political campaigning and fund raising. It seems to be a little out of kilter. Now, California is looked at as ... a model of big money politics."

Has that happened elsewhere? And might other states deserve the criticism that has been heaped upon California's Legislature, once ranked highest in legislative capability?

William Pound, executive director of the National Conference of State Legislatures (NCSL), lists three things that make a state legislature a full-time body, all embodied in the California model: higher salary levels; more time spent on the legislative job; and members who are more likely to perceive themselves as full-time rather than part-time legislators.

Using those criteria, NCSL identifies as full-time the legislatures of California, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania and Wisconsin. But, points out John Lattimer of Illinois' Intergovernmental Cooperation Commission, "we've all got full-time legislatures in one way or another."

Throughout the country, the time spent on legislative business has been increasing. The NCSL reports that more than two-thirds of the legislatures were in session more than 100 legislative days per biennium in the 1980s. Even in states which still have tight constitutional limits on the length of legislative sessions, legislators are spending more and more time on the job. For example, the Kansas Constitution limits legislative sessions to 60 days one year and 90 days the next. But according to Lattimer, "They're full time. They meet all year round in interim committees and special sessions." And the Illinois Legislature is considered full-time, even though it meets for only four months a year.

Because of an almost universally increasing legislative workload, California is only one of many legislatures, large and small, which have traded "the citizen-legislator quality of the sessions" for full-time, professional lawmaking, according to Bob Person, executive director of Montana's Legislative Council.

Despite the changing nature, growing power and increased complexity of the legislative job, salaries are still relatively low. Legislative salaries in 1987 averaged about $15,000 a year, ranging from $100 per year in New Hampshire to $43,800 in New York. (California's annual legislative salary was $37,105, well above average).

Constitutional limits on legislative salaries were removed in California to allow legislators to build full-time legislative careers. But keeping salaries low has become one way that other states forestall "creeping Californization," where full-time, professional politicians replace part-time public servants who make their living outside the legislative cocoon.

"The critical issue is salaries," observed Rosenthal. "Where salaries are constitutionally limited, it will be very difficult for people to become full-time careerist legislators. About one-third of the legislatures have put a cap (on full-time service) in that sense."

But according to Rosenthal, "Even where salaries are relatively low, you find voluntary retirement going down. There is an appeal for a political career. The movement is all in the direction of more careerist legislators, more professionalized legislatures and more competition."

This change in legislative status has brought to other states the same problems that continually concern legislative critics and reformers in California. Ann Wynia, majority leader of the Minnesota House, describes a scene right out of a California "op-ed" piece: "In our own state, by going to annual sessions, we find that for many legislators their only job is the legislative job. In the past that was sometimes viewed positively because it was going to ensure that the legislative branch was filled with people who were attentive to public policy."

But, she says, "We also see now that there is a certain downside to that, because to the extent that people depend on the Legislature as their only source of employment, then they become much more sensitive to electoral concerns. They become much less a citizen legislator rooted in the average voters of their district."

As it has in California, when the legislative job grows in value in other states, the cost of legislative campaigns skyrockets. In California the cost jumped from a total of about $7 million in 1966 (when the California model was put in place) to approximately $57 million in 1986. Now, other states are experiencing a similar escalation.

Wrote Eagleton's Rosenthal, "Elsewhere both the totals and cost of single races are significantly lower than in California ... But the key fact is that everywhere the costs have risen from ten, or even five years ago." Bill Pound estimates that "in the big states we've gone from spending $100,000 to a million, and in the small states we've gone from spending $1000 to $1500, maybe even a lot more than that ... in a number of the medium-size states we're spending, on contests, several hundred thousands."

As an example, legislative elections in New Jersey went from $5.5 million in 1983 to $15 million in 1987. Rick Sinding of New Jersey's Center for Analysis of Public Issues told the Eagleton Symposium, "What's happening in California is now happening in New Jersey. Legislators are now shaking down corporations."

California lobbyists and reformers alike complain about the ever-increasing number of fund raisers held by legislators. But with legislative election costs increasing throughout the country, observed Rosenthal, "Just about everywhere, from California on one extreme to New Hampshire at the other, legislators are more involved than ever before in raising money for their campaigns."

In Ohio, says Rosenthal, the number of legislative fund raisers has risen from about three per year to one a week during session; in Michigan, "Ten years ago only legislative leaders and senior members held fund raisers in Lansing. Today, just about every evening of Michigan's Legislature's session, one member or another is holding a $100-a-seat fund raiser in the capital."

In Connecticut, where campaign costs are "still very minimal — it's like $10,000 for a house district race," according to Ogle, the average expenditure by a candidate increased 2.5 times from 1982 to 1986. And, says Ogle, the escalation in numbers of fund raisers is "definitely happening here. Some of it is being orchestrated by the leaders who are developing their own funds that are then disbursed. But the individual members are all having fund raisers. This was something unheard of a few years ago." He added that Connecticut lobbyists have started to complain "publicly about being squeezed too constantly, too much."

Both Connecticut and Minnesota have seen attempts by state legislative leaders to control the number of fund raisers given by individual legislators, particularly in the state capital during legislative sessions. But they have been largely unsuccessful. In Minnesota, Wynia, as majority leader, and the House speaker put their weight behind a "good government"

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bill to ban fund raisers while the Legislature is meeting. But, she says, "Our caucus has rebelled against us because they perceive it as an attempt by us to centralize control over fund raising. It has been openly discussed that this is a leadership power grab." In the closing hours of this year's session, the House Democrats quietly killed the bill.

Wynia's observation points out two critical failings of the California model of the modern state legislature: It has encouraged the dominance of individualism and the fragmentation of power within the legislature; and it has fostered the erosion of leadership control over an institution where power is shared — and coveted — by all its members.

New York and California have been criticized as legislatures where "all the legislators are like governors." The perception is, says John Lattimer, that "they're all party leaders, they're all running out and fighting everybody else. Their districts are sort of city-states." Although these two states may supply the most notorious examples, it is not only the most professionalized, powerful or politicized state legislatures that have become "atomized".

Says Rosenthal, "The individualism of members and the fragmentation of legislatures is making the creation of statewide policy more difficult ... In the past leaders used to be able to 'deliver'; now they've got to really ... cater much more to members." That leaders can no longer deliver "is not unique to California." He thinks, "it may be much more apparent in California (because) California is always ahead of the game, but in other states as well it's increased." He points to the example of the New York Legislature, whose leaders have traditionally been more powerful even than California's, where Senate President Warren Anderson is having trouble with Senate Republicans after 15 years of leadership.

Similarly, California is not alone in seeing its legislative leadership diverted from making policy to raising money, from addressing long-term concerns to achieving short-term political gains. Ann Wynia worries because the policy work she did as head of a legislative committee has taken a back seat to the demands placed upon her as majority leader — servicing her caucus members and raising campaign funds. And Bill Pound insists, "The speaker is out of policy in an awful lot of states."

Pound argues that to make legislative reform work anywhere "somebody has to look out for the institution, and ideally that's legislative leadership. And one of the things that's happened is that there's probably been, out of all of this, a decline in the power and authority of leadership in the state legislature."

That result certainly wasn't what early reformers wanted. No one would argue that then-California Assembly Speaker Jesse Unruh, the most prominent leader of the state legislative reform movement, would champion changes that would erode the power of the office he held. But, as John Lattimer observed, "The problem with people who want to reform legislatures is this: Nobody talks about the trade-offs and the unintended consequences ... [they] are always there, lurking in the wings and you never see them till it's too late."

Bill Pound sees the pattern of legislative development that has occurred as "probably inevitable," at least in the larger states, and reflective of the growth and "changing nature of state government" and of the nature and the complexity of the problems with which state governments now have to deal. Despite these changes, or because of them, Ann Wynia asserts that "you can't just go back to the past."

None of this is cheerful news, and California can take no consolation in the fact that the state is not alone in suffering from what Ann Wynia has labeled "the Goldilocks dilemma."

"We have gone a long, long way, from this poorly staffed, poorly resourced legislature to a well-resourced, well-staffed legislature," she explained, but "the dilemma is: Are we doing the right thing ... with the staff and resources that we have? Are we truly accomplishing the purposes that we thought we would accomplish when we made those additions?"

In other words, how much reform is too much? "[That is] the 'Goldilocks dilemma.' How do we get it right?"

Alan Rosenthal thinks that, to try to get it right "there has to be some dealing with the money situation in California and in other places. I'm not sure what the answers are because campaign financing reform always has unforeseen consequences. But they've just got to deal with the prevalence of so much money."

The voters apparently agree with Rosenthal, passing two somewhat conflicting campaign finance reform initiatives in June, perhaps putting the state once again on the cutting edge of legislative change.

Although it's not clear from the June election just what form voters wanted reform to take — Proposition 68, with majority approval, sanctioned public financing while Proposition 73, which received more votes, specifically banned it — the vote was clearly a protest against the current system. Passage of both measures could create a hodge-podge system that may prove less than effective. Some politicians, Speaker Willie Brown Jr. included, have already announced that they have figured out ways around the new restrictions.

But whatever happens in California will be watched carefully elsewhere because, as Bill Pound summarized the issue, "There is no question that what the California Legislature does, whether it's in public policy or in institutional activity, has an impact on other state legislatures...in many ways it leads the way, it foretells the future."

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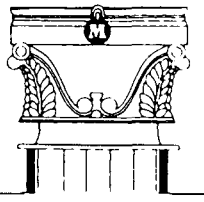

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Low-budg

By Ka

The phone rang a dozen times before a harried Rand Martin could grab it, and then he disconnected the caller when he tried to put the line on hold while he finished another call. Such is life when you're between secretaries and cursed with a cheap, quirk-filled phone system.

He probably would get little sympathy from Sherry Skelly, who not only lacks a secretary but, until recently, a desk, typewriter and an office as well. Until she managed to scrape up the money, she had been using a donated hallway as her headquarters. She still makes do with a single phone line and an answering machine, however.

Martin and Skelly are lobbyists, Martin for the AIDS-oriented Lobby for Individual Freedom and Equality, and Skelly for the California Children's Lobby. You can tell they are lobbyists because they work bills, meet with legislators and consultants and testify at hearings. And their pictures are in the secretary of state's *Directory of Lobbyists*.

But if you look for the other signs that so clearly signify "lobbyist" to most of the public, you won't find them. The organizations they represent never show up on the lists of heavy campaign contributors. They keep their fingers crossed when they send their cards in to legislators on the floor seeking a few words, for, unlike their heavyweight counterparts, Martin and Skelly are unable to command an audience. They don't have legions of staff to keep them posted on the dozens of bills they must track. And if they hit the Sacramento hot spots at night, it is to relax and enjoy themselves. Their budgets and

"We can get 40 calls into a member's office on a particular bill within an hour."

—Sherry Skelly

Kathy Beasley, a freelance writer, is administrative assistant to Republican Assemblyman Stan Statham.

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lobbyists

sley

salaries don't provide for the few rounds of drinks or dinner that might further connections with lawmakers and legislative staff.

In short, what these two lack is money.

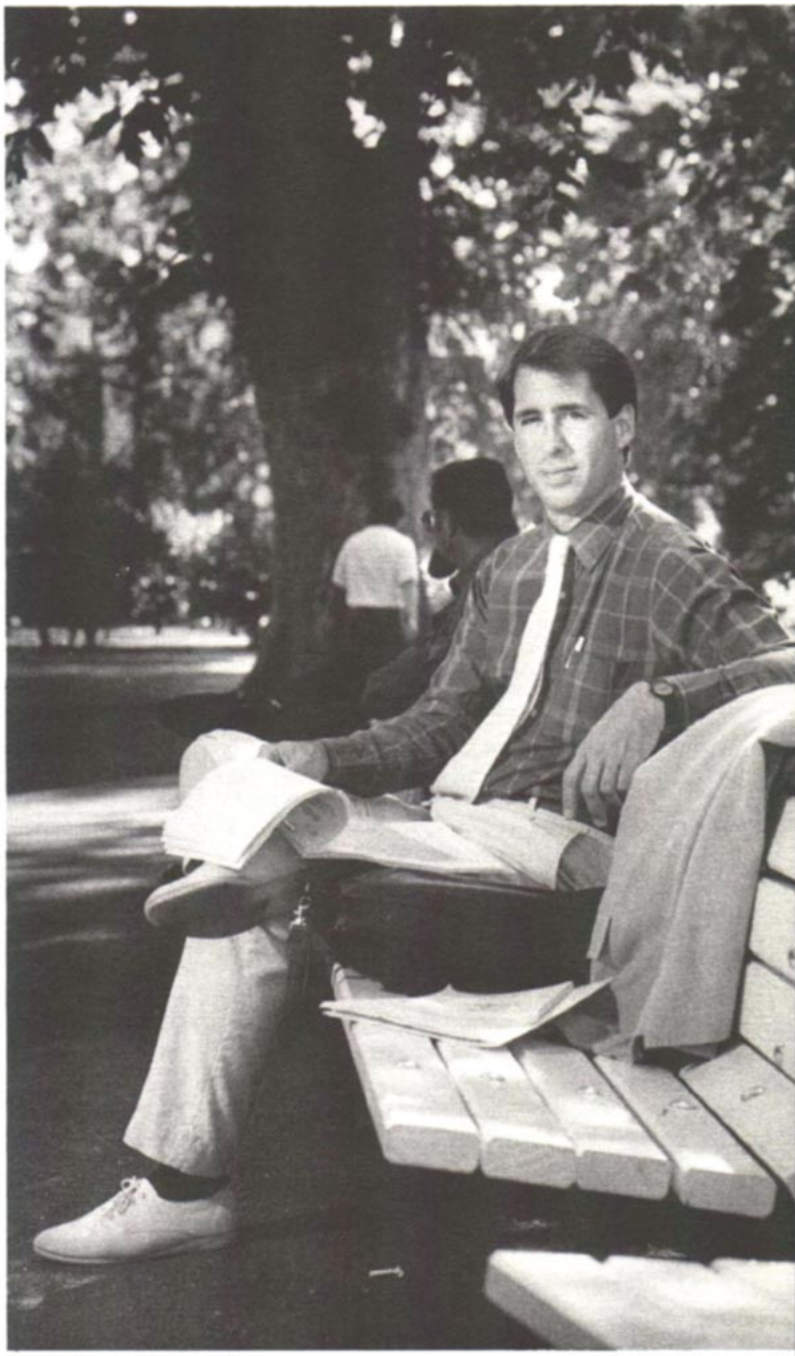
Of course, they are not alone. The Fair Political Practices Commission lists 762 registered lobbyists. Ranking lobbyists by affluence, there are only 11 big operators at the top. Those receive in excess of $500,000 in client fees and spread around comparable hundreds of thousands of dollars in campaign contributions.

Much lower in the rankings are the lobbyists for public interest groups — California Common Cause, Consumers Union, American Civil Liberties Union — along with lobbyists for state agencies, departments and commissions. Although they have no money to grease the wheels of power, they usually have enough resources to track bills, produce position papers and rally the public.

Scraping dead bottom are a subgroup of public interest entities, like LIFE and California Children's Lobby, that are typified by annual budgets that detail how many stamps may be used and how many photocopies may be made in one month. Martin runs his operation on a budget of $80,000, including office rent, his salary and a secretary. Skelly gets by on $63,000.

Clearly neither of them is in it for the money. And if it were true that money turns the wheels inside the Capitol, then one would expect the work that Martin and Skelly do to be mostly futile. So who are these penny-pinching lobbyists, how do they get by and what can they possibly accomplish?

"A lobbyist is a be-all," says the 27-year-old Skelly. "I feel like I'm a mediator and a resource who can provide expertise



Photos by Rich Pedroncelli

"You can have a deep personal commitment to an issue but it only lasts until burnout hits."

—Rand Martin

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on an issue. If you have no money, you end up working closely with consultants, and consultants are very detail-oriented."

Expertise, a flair for detail, credibility — these are the tools an empty-pocket lobbyist brings to work every day. Some of the weight such a lobbyist carries is personal, earned over years of giving consistently good advice and testimony; some of it comes part and parcel with the organization he or she represents.

The Children's Lobby, for instance, is an umbrella group for child-care providers, child-care educators and parent groups around the state. Skelly says the Lobby has a 20-year track record of grassroots activism that makes it an effective advocate on children's issues.

"It's a very sophisticated network," she says. "With the phone tree we have, we can get 40 calls into a member's office on a particular bill within an hour. These people know the [legislative] members in their areas; they write letters, make phone calls and involve the parent groups. This committed network has been developing for the past 10 or 20 years, and now it's primed and ready to go."

Skelly, who has been with California Children's Lobby for almost a year, says she is the only full-time lobbyist for children's issues in Sacramento. While that has the drawback of spreading one person too thinly over hundreds of bills, it does mean that Skelly has become a focal point for children's issues, and she has become a natural funnel for information, studies and trends.

But beyond the clout of her organization, Skelly works on developing her own ties and credibility. She knows about one-quarter of the members of both houses.

"When I meet a member, I don't just talk about my bills," she says. "Education bills, minimum wage — if I know a certain member's interested in something this year, then I talk about that. Then they know I'm interested in their concerns and views and not just pushing my agenda."

Just as important are her consultant contacts. "Consultants tap in to us [lobbyists] as a resource. You have to prepare good amendments for bills, make good suggestions well in advance of hearings, if you are going to have an influence on the outcome."

The 34-year-old Martin, who has been a lobbyist on health issues for three years, says he is always working on recognition and credibility with both legislators and consultants. Unlike Skelly's organization, Martin's group is still learning to flex its political muscles.

And while children's issues may be simmering on a front burner this year, Martin's issue has been boiling over at high speed for a couple of years.

Martin was instrumental in forming the Lobby for Individual Freedom and Equality, an umbrella organization for 42 organizations around the state concerned about AIDS, and he has been its sole lobbyist since its beginnings on June 1, 1986.

The first full year of operation, he felt swamped, working out of his living room to track 65 bills. Confronted with 142 bills this year, last year is beginning to look calm in retrospect.

"The number of bills, so many legislators and staff to get to know, plus keeping a fledgling organization afloat — it's been difficult," Martin says.

And the difficulties aren't just in the part of the job that deals with bills. He has learned quickly that a discount lobbyist not only needs to keep an eye on developments in the Capitol, but also is needed to educate, guide and cajole the groups he represents. One of his biggest tasks is forming his backers into a cohesive, effective voice.

"Gays and lesbians have always been very adept at turning people out on a single issue, but they've been unable to do it on a consistent basis," Martin says. "LIFE has been working to build that kind of network. LIFE is an example of a newfound political maturity that acknowledges the need to have a continuous visibility in politics."

But networking and consensus building are slow processes and the AIDS issue is moving very quickly. "Building a network is a longer road than the one to gaining personal access to an individual legislator, but it's every bit as important," Martin says.

Important, yes; comfortable, no. Martin is often caught between a legislative agenda that threatens to move ahead without LIFE and purists on his board who believe compromise is synonymous with evil. "It puts us in a tough position, because we have liberal legislators who want to side with us telling us we have to give on some things," Martin says. "But then we have those who believe LIFE needs to maintain a pure image in the gay-lesbian community. And there's a need for those kinds of people: they create such a pure position, we look like moderates in comparison."

So Martin frequently finds himself in the role of an educator, not just to consultants and legislators, but to his own people who need to understand how the process works and what is probable, feasible and impossible.

Skelly agrees with the vision of a lobbyist as an educator. She conducts seminars and attends the monthly meetings of a half-dozen child-oriented organizations. It's important for the folks back home to understand how Sacramento works and how they can affect what comes out of the Capitol.

"The Children's Lobby network can produce a teen parent, her mate and a baby to give testimony at a hearing," Skelly says. "We can call on experts in the field and find out anything a legislator might want to know. These people are on the scene where state programs are actually working, so they are in a good position to know what's wrong and what needs to be done. They need to be able to convey that information to the Legislature."

Skelly says such personal testimony at hearings can have "a significance beyond dollars."

But dollars do count, no matter how optimistic or well-armed with statistics a lobbyist may be.

"A lobbyist without money just doesn't have the access," Martin says. "It's most visible in committee when lobbyists are giving testimony. The committee members sit up and listen when it's someone with clout or money; they pay attention."

Martin says matter-of-factly, with little bitterness to his voice; there is just a regretful acceptance of reality: Lobbyists without the big-buck bang have to be more diligent in preparing arguments, supplying statistics and proposing improvements — and sometimes to no avail.

"You take a lot of frustration home. But then there have been people we've turned around on a particular issue," Martin says. "I think we've had a lot of impact on Dr. Filante [Assemblyman William Filante] and helped build his leadership on the AIDS issue among Republicans."

Skelly says her biggest victory came last year when she helped place $500,000 in the 1987-88 state budget for California State University campus child-care. The governor had already vetoed a $1.2 million expenditure, so getting the partial funding past his blue pencil was a plus. "These campus centers had been struggling along for 20 years without any state funding and many of them were on the verge of closing," she says. "So this was the first time general fund money was ever

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committed to campus child care, and I was very excited about it."

The upbeat Skelly can't remember a defeat that left her depressed in the past, but even an optimistic nature won't block reality this year. The Children's Lobby's top priority is a statutory cost-of-living adjustment for child care, and the governor has already vetoed similar legislation in the past. And the governor placed an equitable cost-of-living adjustment in his budget proposal this year, cutting the ground out from under Skelly's arguments by removing the need for immediate action. "I have to admit I'm beginning to anticipate a problem," she says.

Martin's victories and defeats have come, as they so often do in politics, in contrary fashion. His biggest victories have been killing two of GOP state Senator John Doolittle's 10-bill AIDS package, and his worst defeat was the passage of a bill to test prostitutes for AIDS.

Victories that come by defeating bills are often fleeting. One of Doolittle's bills would have substantially relaxed AIDS test confidentiality laws, including turning results over to public health officials, and the other would have allowed widespread testing in psychiatric institutions. Those two are dead, but other measures this year are likely to accomplish at least some of Doolittle's goals.

The prostitute bill's passage was the type of convoluted fluke that leaves lobbyists with nightmares. The bill swept out of the Assembly, not as a well-reasoned policy decision, but on a Gang-of-Five tidal wave, while Martin watched helplessly. "It happened so fast, and most of it was behind closed doors," Martin says, "so we really couldn't do much about it."

Had the Gang of Five, a group of dissident Democrats, not been trying to find common ground with Republicans so they could successfully challenge Speaker Willie Brown, the prostitute bill would have stayed buried in committee or at least could have been modified to be less objectionable to LIFE, Martin says. But it is just one of several bills that Martin expects to mark on the loss side, a factor that leaves him feeling stressed and makes his shoestring-budget operation all the more depressing.

"Burnout is common with public-interest lobbyists," Martin says. "The ones you see around the building who have been here for 20 or 30 years are the ones who work for industries, big-buck clients."

So if the offer came from a big-time lobbying firm, would he switch?

"I couldn't leave LIFE dangling in mid-session," Martin says, who is gay and deeply committed to the fight against AIDS. "But in the longer term, yes, I'd probably move on. You can have a deep personal commitment to an issue but it only lasts until burnout hits."

Martin, whose father is a Washington, D.C. lobbyist, is already well sidetracked from the career in theater he had hoped for. He keeps his hand in by acting and directing with a Davis community theater group, but his future is in the Capitol. "It's in my blood," he says simply. "The more and more I've been involved in government activities, the more I've been fascinated with what is going on in Sacramento."

The fascination is still there for Skelly, as well. "I really enjoy lobbying. It's exciting and stimulating."

Skelly didn't start out to be a lobbyist. An active role in trying to start a child-care program at UC Santa Barbara put her in the limelight when the university's student association needed a lobbyist. Two years there and another year with the Children's Lobby have satisfied her itch to do something professionally that focuses on children.

"I have a bottom-line commitment to education and children's issues. I might move on to something else in the future. But I'm pretty dedicated to children's issues and, right now, I couldn't imagine doing anything else."

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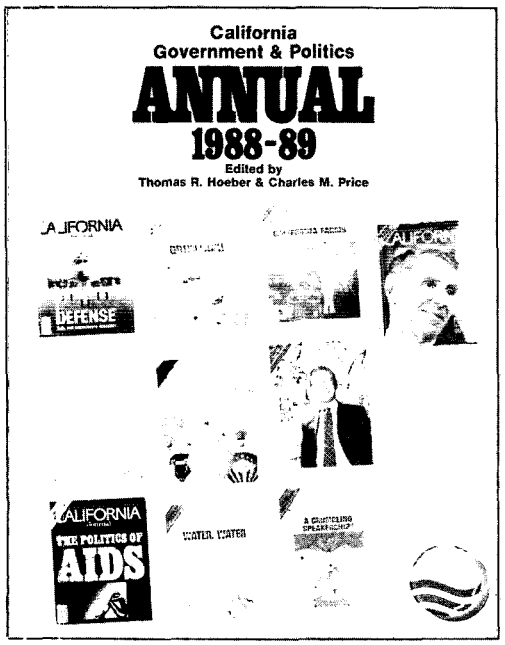

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

A tacit agreement

It's easy to imagine one of the commercials that Leo McCarthy would very much like to produce this fall in his uphill battle to unseat Republican Senator Pete Wilson.

THE TV SPOT WOULD FEATURE California's Democratic Senator Alan Cranston in his majority whip's office at the Capitol, earnestly urging his constituents to "elect Leo McCarthy to work as my partner in Washington because Pete Wilson has not been doing the job for California."

Even though Cranston is a fiercely partisan Democrat, it's a fair bet that he won't be making such a pitch on behalf of Lieutenant Governor McCarthy's campaign. The reason is a tacit agreement by California's two incumbent senators that they will avoid open attacks on each other in the interest of getting along.

"Alan, being the pragmatic guy that he is, knows that if Leo loses and Pete is re-elected, he's going to have to work together with Pete for another six years," said Murray Flander, Cranston's veteran press secretary. "He will help Leo, but he will not campaign against Pete in any way. He will not criticize Pete."

Wilson took the same stance in 1986, when his help for losing Republican challenger Ed Zschau stopped well short of attacks on incumbent Cranston.

"The senator believes that it's important that we work together, and he's always emphasized that we should not get politics involved because we're both working for California," said Bill Livingstone, Wilson's press secretary. But, Livingstone added, "Obviously, there are politics this year."

That caveat reflected a belief in Wilson's camp that Cranston has gone a little too far to help McCarthy engage in political warfare. Relations between the two senators are "strained," said one Wilson adviser.

Wilson's staff believes Cranston is being coaxed into making mischief because the lieutenant governor's campaign is being run by the same team — including strategist Bob Shrum and manager Darry Sragow — that engineered Cranston's winning effort against Zschau.

Nowhere has the strain shown as much as in the fight over Cranston's desert bill. Cranston and California environmentalists promoted the bill as their top priority in this Congress, and McCarthy has endorsed it all along. The measure would have protected vast stretches of the state's deserts against development, dune buggies and recreational vehicles. It would have designated more than 80 new wilderness areas on federal lands and created a 1.5 million-acre Mojave National Park between Barstow and Needles.

But the Senate seldom passes such far-reaching legislation unless both senators from the affected state are on board. And Wilson would not be pushed or prodded into taking a stand on the bill.

Wilson has boasted of his environmentalist inclinations, as demonstrated by his strong opposition to oil drilling off the California coast. On such issues he has differed significantly from the unwaveringly pro-development views of the state's other top Republican — Governor George Deukmejian.

But Cranston and the environmentalists guessed wrong when they thought they could use the pressures of an election year to prod Wilson into choosing between them and the desert bill's opponents — an assortment of interests ranging from off-road vehicle enthusiasts to the military, which conducts training under the harsh desert sun.

On June 29th Cranston and Wilson met privately about their stalemate over the bill. Afterwards, Cranston issued a statement indicating he had given Wilson a one-week deadline to take a stand.

Cranston said the deadline was mandated by a Senate committee chairman who had warned time for action on the bill this year was fast running out. Wilson was furious to learn that Cranston had gone public with an ultimatum. When Wilson learned that the environmentalist Sierra Club was set to endorse McCarthy's candidacy the very next day, the seething Republican said, "It begins to smell like a frame-up."

On July 7th Wilson announced he would refuse to take a stand on the desert bill this year. Referring to the environmentalist effort to prod him into support, Wilson said, "Perhaps it is better that we defer completion of the analysis to a new year when we will have the time to do justice to this important work and when the real issues will not be clouded by such election-year miscalculations."

Wilson said that Cranston's bill would have closed vast stretches of the desert to rock-hunters and families in Winnebagos. Demanding more public access, Wilson said that the legislation "proposes to save the desert from the people of California. I propose to save the desert for the people of California."

Wilson maintained that one reason he could never make up his mind on the bill was that the off-road vehicle enthusiasts were unable to complete detailed maps of the intricate routes they take through the desert. Cranston scoffed that Wilson "should have anticipated" that the off-road types, who vociferously oppose the bill, would never get around to finishing the maps.

For his part, Cranston argued that he had tried to get Wilson's support for legislation to protect the desert for more than two years and that Wilson "never said exactly what changes he wanted."

"I'LL BE PUSHING THAT BILL HARD AGAIN next year," Cranston said. "Maybe I'll be able to win Senator Wilson over — if he is re-elected. I know we've already got the support of Leo McCarthy."

Nor did the dispute stop at the senatorial level. Cranston and McCarthy have won an endorsement for the desert bill from Democratic presidential candidate Michael Dukakis. Wilson presumably will use his influence to keep Vice President George Bush, the Republican presidential candidate, neutral on the measure.

Larry Liebert is Washington Bureau Chief for the San Francisco Chronicle.

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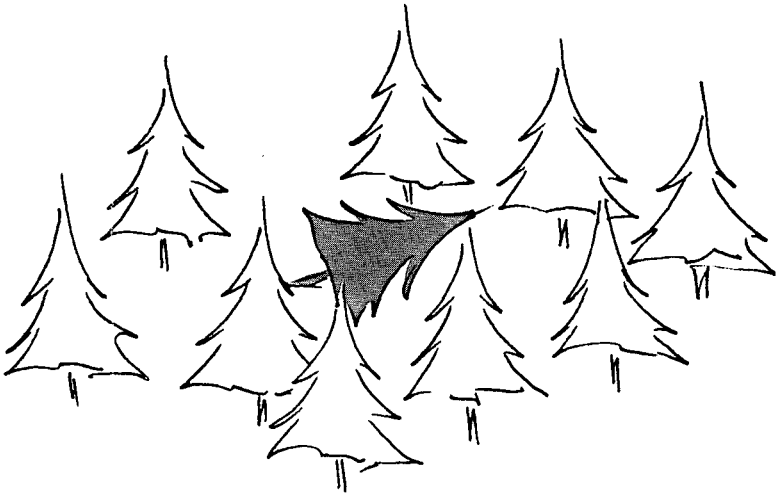

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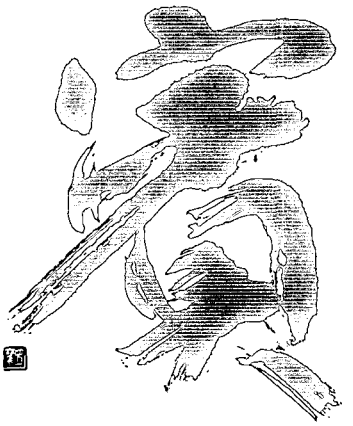

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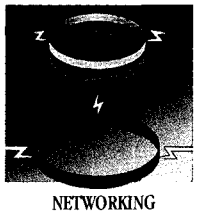

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